



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

JK
9225
·1905
A56

B 924,214

UNIV. OF MICH.
ADD. 031

STATE OF WASHINGTON

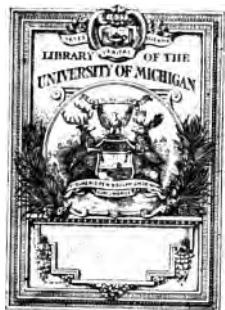
ENABLING ACT
AND
STATE CONSTITUTION

WITH

SIDE NOTES AND INDEX.

PUBLISHED BY AUTHORITY OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION.

OLYMPIA, WASHINGTON,
BLANKENSHIP-SATTERLEE COMPANY
1905



**PRESENTED BY
THE PUBLISHER**

—

922
190.
A56



STATE OF WASHINGTON

ENABLING ACT

AND

STATE CONSTITUTION

WITH

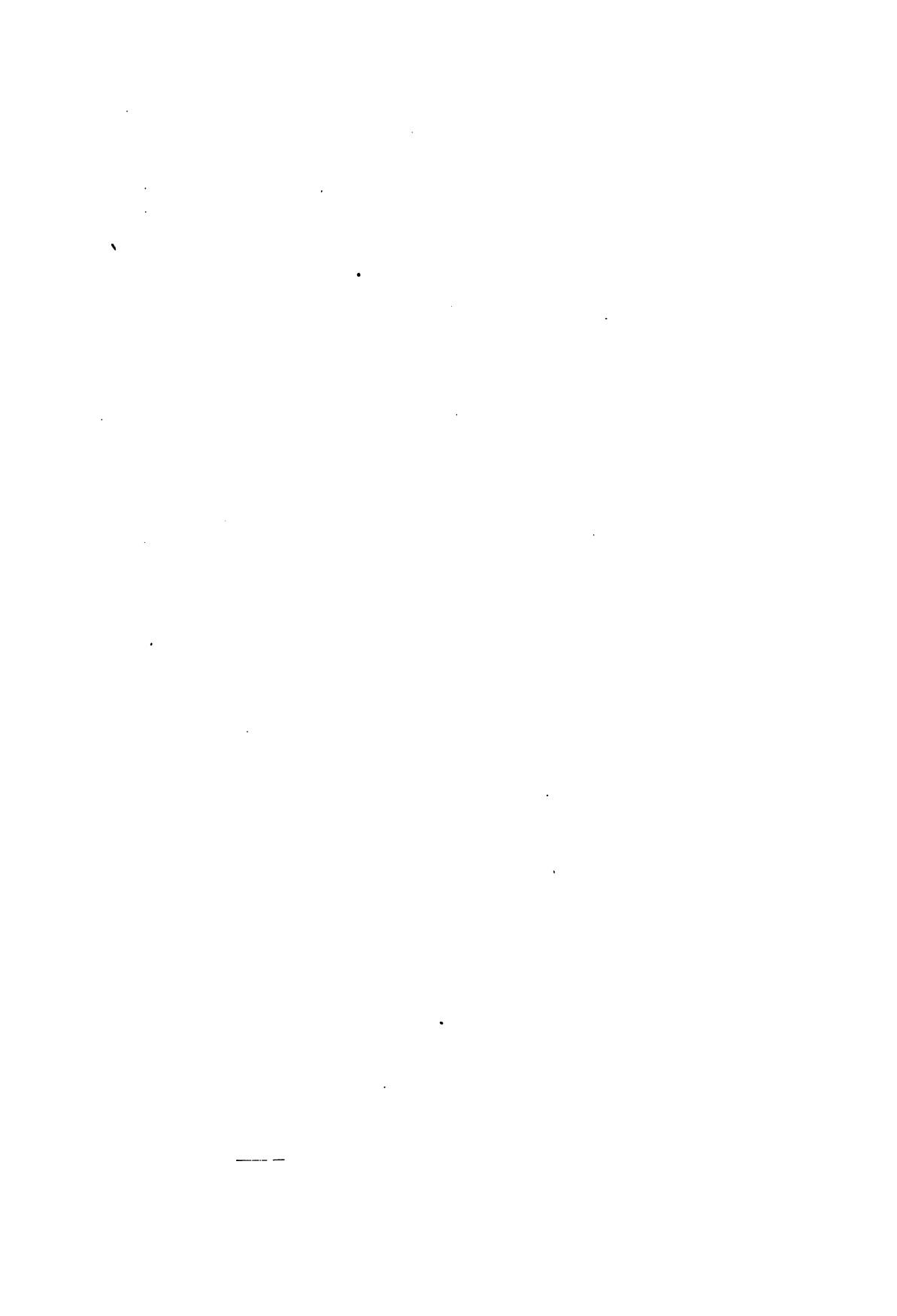
SIDE NOTES AND INDEX.

Washington Constitution

PUBLISHED BY AUTHORITY OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

OLYMPIA, WASHINGTON.
BLANKENSHIP-SATTERLEE COMPANY
1905



ENABLING ACT.

An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states.

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled: That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, ^{What territories may be admitted.} Montana and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana and Washington, respectively, as hereinafter provided.

Sec. 2. The area comprising the Territory of Dakota shall, ^{Division of Dakota.} for the purpose of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

Sec. 3. That all persons who are qualified by the laws of said territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed states; and the qualifications for delegates to such conventions shall be such as by the laws of said territories, respectively, persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be appointed within the limits of the proposed states, ^{Choosing delegates.} in such districts as may be established as herein provided, in proportion to the population of each of such counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, and chief justice, and the secretary of said territories; and the governors of said territories shall, by proclamation, or

ENABLING ACT.

der an election of the delegates aforesaid in each of said proposed states, to be held on the Tuesday after the second Monday in May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by laws of said territories regulating elections therein for delegates to congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions, respectively, shall be seventy-five; and all persons residents in said proposed states, who are qualified voters of said territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

Number of
delegates.

Constitutional
conventions,
where held:
when.

Religious tol-
eration.

Unappropriated
lands, own-
ership of must
be disclaimed.

Taxation.

Sec. 4. That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and, after organization, shall declare, on behalf of the people of said proposed states, that they adopt the constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and state governments for said proposed states, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnate to the constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and people of said states: First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said states shall ever be molested in person or property on account of his or her mode of religious worship. Second: That the people inhabiting said proposed states do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to the citizens of the United States residing without the said state shall never be taxed at a higher rate than the lands belonging to residents thereof; that

no taxes shall be imposed by the states on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said states from taxing, as other lands are taxed, any lands owned or held by any Indian who has served his tribal relations, and has obtained from the United States or any person a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said states so long and to such extent as such act of congress may prescribe. Debts of territories.

Third: That the debts and liabilities of said territories shall be assumed and paid by said states, respectively. Fourth: That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said states and free from sectarian control. Schools, free and sectarian control.

Sec. 5. That the convention which shall assemble at Bismarck in Dakota. shall form a constitution and state government for a state to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and state government for a state to be known as South Dakota; Provided, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words "For the Sioux Falls Constitution," or the words "Against the Sioux Falls Constitution," and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section three of this act; and if a majority of all votes cast on this shall be "For the Sioux Falls Constitution," it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to re-submit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls, and adopted November third, eighteen hundred and eighty-five, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed state, to the apportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act, and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution, irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a state in the Union under said constitution as hereinafter provided; but the Archives of Dakota. archives, records, and books of the Territory of Dakota, until

ENABLING ACT.

an agreement in reference thereto is reached by the states. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be "Against the Sioux Falls Constitution," then and in that event it shall be the duty of the convention which will assemble at the City of Sioux Falls on the fourth day of July, eighteen hundred and eighty-nine, to proceed to form a constitution and state government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

Sec. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the territory which shall be assumed and paid by each of the proposed states of North Dakota and South Dakota; and the agreement reached respecting the territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said states shall obligate itself to pay its portion of such debts and liabilities the same as if they had been created by such states respectively.

Public prop-
erty of Dakota
division of.

Sec. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North or South Dakota shall be rejected by the people, that part of the territory so rejecting its proposed constitution shall continue under the territorial government of the present Territory of Dakota, but shall, after the state adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota, or South Dakota, as the case may be: Provided, That if either of the proposed states provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed state for ratification or rejection, at such time

Convention to
be reconvened
in case of re-
jection of con-
stitution

ENABLING ACT.

7

as such convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so re-assembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed state.

Sec. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of eighteen hundred and eighty-five, after having amended the same as provided in section five of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, eighteen hundred and eighty-nine, but if said constitutional convention is authorized and required to form a new constitution for South Dakota, it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed state on the said first Tuesday in October. And to vote on the constitutional conventions which may assemble in North Dakota, Montana and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed states, respectively, for ratification or rejection at elections to be held in said proposed states on said first Tuesday in October. At the elections provided in this section the qualified voters of said proposed states shall vote directly for or against the proposed constitutions and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said territories, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the president of the United States together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed states are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the president of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed states which have adopted constitutions and formed state governments as herein provided shall be deemed admitted by congress into the Union, under and by virtue of this act, on an equal footing with the original states, from and after the date of said proclamation.

Sec. 9. That until the next general census, or until otherwise provided by law, said states shall be entitled to one representative in the house of representatives of the United States, except South Dakota, which shall be entitled to two; and the representatives to the fifty-first congress, together with the gov-

Convention of
South Dakota
shall submit
Sioux Falls
constitution.

Elections in
North Dakota,
Montana and
Washington
to vote on
adoption of
constitutions.

Governors to
certify re-
turns.

President to
issue procla-
mation.

ENABLING ACT.

Election of
representa-
tives and state
officers.

governors and other officers provided for in said constitutions, may be elected on the same day of the elections for the ratification or rejection of the constitutions; and until said state officers are elected and qualified under the provisions of each constitution and the states, respectively, are admitted into the Union, the territorial officers shall continue to discharge the duties of their respective offices in each of said territories.

School lands.

Sec. 10. That upon the admission of each of said states into the Union, sections numbered sixteen and thirty-six in every township of said proposed states, and where such section, or any part thereof, have been sold or otherwise disposed of by or under the authority of an act of congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said states for the support of common schools, such indemnity lands to be selected within said states in such manner as the legislature may provide, with the approval of the secretary of the interior: Provided: That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

Disposal of
school lands;
minimum
price.

Sec. 11. That all lands herein granted for educational purpose shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulation as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Lands donated
for public
buildings.

Sec. 12. That upon the admission of each of said states into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said states, to be selected and located in legal subdivisions, as provided in section ten of this act, shall be, and are hereby, granted to the states for the purpose of erecting public buildings at the capital of said states for legislative, executive and judicial purposes.

School fund;
5 per cent of
proceeds from
sale of lands.

Sec. 13. That five per centum of the proceeds of the sales of public lands lying within said states which shall be sold by the United States subsequent to the admission of said states into the Union, after deducting all the expenses incident to the

ENABLING ACT.

9

same, shall be paid to the said states, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said states, respectively.

Sec. 14. That the lands granted to the territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes," are hereby vested in the states of South Dakota, North Dakota and Montana, respectively, if such states are admitted into the Union, as provided in this act, to the extent of full quantity of seventy-two sections to each of said states, and any portion of said land that may have been selected by either of said territories of Dakota or Montana may be selected by the respective states aforesaid; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said states severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of this act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the territory by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purpose of a university in said state. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided for in section eleven of this act. The schools, colleges and universities provided for in this act shall forever remain under the exclusive control of said states, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be for the support of any sectarian or denominational school, college or university. The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the Territory of Dakota for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said state.

Sec. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March second, eighteen hundred and eighty-one, together with the buildings thereon, be and the same is hereby granted, together with any unexpended balances of money appropriated therefor, by said act, to the said State of South Dakota, for the purposes therein designated; and the states of North Dakota and Wash-

ENABLING ACT.

ington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

Agricultural college lands.

Sec. 16. That ninety thousand acres of land, to be selected and located as provided in section ten of this act, are hereby granted to each of said states, except to the State of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said states, as provided in the act of congress making donations of lands for such purposes.

Lands granted in lieu of swamp lands to South Dakota.

Sec. 17. That in lieu of the grant of land for purposes of internal improvements made to new states by the eighth section of the act of September fourth, eighteen hundred and forty-one, which act is hereby repealed as to the states provided for by this act, and in lieu of any claim or demand by the said states, or either of them, under the act of September twenty-eight, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the revised statutes, making a grant of swamp and overflowed lands to certain states, which grant it is hereby declared is not extended to the states provided for in this act, and in lieu of any grant of saline lands to said states, the following grants of lands are hereby made, to-wit: To the State of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for state normal schools, eighty thousand acres; for public buildings at the capital of said state, fifty thousand acres, and for such other educational and charitable purposes as the legislature of said state may determine, one hundred and seventy thousand acres; in all five hundred thousand acres.

To North Dakota.

To Montana.

To the State of North Dakota a like quantity of land as in this section granted to the State of South Dakota; and to be for like purposes, and in like proportion as far as practicable. To the State of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for state normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a state reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the state, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres. To the State of Washington: For the establishment and maintenance of a scientific



school, one hundred thousand acres; for state normal schools, To Washington, one hundred thousand acres; for public buildings at the state tenance of capital, in addition to the grant hereinbefore made for that schools, etc. purpose, one hundred thousand acres; for state charitable, educational, penal and reformatory institutions, two hundred thousand acres. That the states provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective states may severally provide.

Sec. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six or any subdivisions or portion of any smallest subdivision thereof in any township shall be found by the department of the interior to be mineral lands, said states are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said states, in lieu thereof, for the use and benefit of the common schools of said states. Grants do not apply to mineral lands.

Sec. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the secretary of the interior, for the surveyed, unreserved and unappropriated public lands of the United States within the limits of the respective states entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said states the number of acres in each heretofore donated by congress to said territories for similar objects. Granted lands how selected.

Sec. 20. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to each of said territories for defraying the expenses of the said conventions except to Dakota, for which the sum of forty thousand dollars is so appropriated, twenty thousand dollars each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates are now provided by law for the payment of the territorial legislatures. Any money hereby appropriated not necessary for such purpose shall be converted into the treasury of the United States. Expenses of constitutional conventions.

Sec. 21. That each of said states, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the states, respectively; and the circuit and district courts therefore shall be held at the capital of such state for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be ap-

ENABLING ACT.

pointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of three thousand five hundred dollars, payable in four equal installments, on the first day of January, April, July and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said state. The regular terms of said courts shall be held in each district, the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney and clerks of the circuit and district courts, of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

Courts, and proceedings in.

Sec. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the supreme court of the United States upon any record from either of said courts, may be heard and determined by the supreme court of the United States. And the mandate of execution or of further proceedings shall be directed by the supreme court of the United States to the circuit or district court hereby established within the state succeeding the territory from which such record is or may be pending, or to the supreme court of such state, as the nature of the case may require: Provided: That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the supreme court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district and state courts, herein named, shall, respectively, be the successor of the supreme court of the territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts,

Approved:

respectively, with full power to proceed with the same, and award mesne of final process therein; and that from all judgments and decrees of the supreme court of either of the territories mentioned in this act, in any case arising within the limits of any of the proposed states prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the supreme court of the United States as they shall have had by law prior to the admission of said state into the Union.

Sec. 23. That in respect to all cases, proceedings and matters now pending in the supreme or district courts of either of the territories mentioned in this act, at the time of the admission into the Union of either of the states mentioned in this act, and arising within the limits of any such state, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said territory; and in respect to all other cases, proceedings and matters pending in the supreme and district courts of any of the territories mentioned in this act at the time of admission of such territory into the Union, arising within the limits of said proposed state, the courts established by such state shall, respectively, be the successor of said supreme and district territorial courts; and all the files, records, indictments, and proceedings relating to such cases, shall be transferred to such circuit, district and state courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause or proceeding now pending, or that, prior to the admission of any of the states mentioned in this act, shall be pending in any territorial court in any of the territories mentioned in this act, shall abate by the admission of any such state into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district or state court, as the case may be: Provided, however, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfer shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper state courts.

Sec. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full state governments, including members of the legislature and representatives in the fifty-first congress; but said state governments shall remain in abeyance until the state shall be admitted into the Union, respectively, as provided in this act. In case the constitution of the state is ad-

ENABLING ACT.

Election of U. S. senators. tution of any of the said proposed states shall be ratified by the people, but not otherwise, the legislature thereof may assemble, organize and elect two senators of the United States; and the governor and secretary of state of such proposed state shall certify the election of the senators and representatives in the manner required by law; and when such state is admitted into the Union, the senators and representatives shall be entitled to be admitted to seats in congress, and to all the rights and privileges of senators and representatives of other states in the congress of the United States; and the officers of the state governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such state officers; and all laws in force made by said territories at the time of their admission into the Union, shall be in force in said state, except as modified or changed by this act or by the constitutions of the states, respectively.

Sec. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said territories or by congress, are hereby repealed.

Approved February 22, 1889.

CONSTITUTION.

PREAMBLE.

WE, THE PEOPLE OF THE STATE OF WASHINGTON, GRATEFUL TO THE SUPREME RULER OF THE UNIVERSE FOR OUR LIBERTIES, DO ORDAIN THIS CONSTITUTION.

ARTICLE I.—DECLARATION OF RIGHTS.

Section 1. All political power is inherent in the people, Political and governments derive their just powers from the consent of power. the governed, and are established to protect and maintain individual rights.

Sec. 2. The Constitution of the United States is the supreme law. Supreme law. of the land.

Sec. 3. No person shall be deprived of life, liberty or property without due process of law. Right of trial.

Sec. 4. The right of petition, and of the people peaceably Right of petition. to assemble for the common good, shall never be abridged.

Sec. 5. Every person may freely speak, write and publish Free speech guaranteed. on all subjects, being responsible for the abuse of that right.

Sec. 6. The mode of administering an oath, or affirmation, Oaths, how ad- shall be such as may be consistent with and binding upon the ministered. conscience of the person to whom such oath, or affirmation, may be administered.

Sec. 7. No person shall be disturbed in his private affairs, Private affairs sacred. or his home invaded, without authority of law.

Sec. 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the legislature.

Sec. 9. No person shall be compelled in any criminal case Immunity from self to give evidence against himself, or be twice put in jeopardy conviction. for the same offense.

Sec. 10. Justice in all cases shall be administered openly, and without unnecessary delay.

Sec. 11. Absolute freedom of conscience in all matters of Religious liberty. religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any relig-

ious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to effect the weight of his testimony.

Special privi-
leges shall not
be granted.

Sec. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Writ of habeas
corpus.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it.

Excessive bail.

Sec. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Sec. 15. No conviction shall work corruption of blood, nor forfeiture of estate.

Taking of pri-
vate property.

Sec. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

No imprison-
ment for debt.

Sec. 17. There shall be no imprisonment for debt, except in cases of absconding debtors.

Military sub-
ordinate.

Sec. 18. The military shall be in strict subordination to the civil power.

Elections
be free and
equal.

Sec. 19. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Bail.

Sec. 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Right of trial
by jury.

Sec. 21. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict of nine

or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Sec. 22. In criminal prosecutions, the accused shall have right of defense in court. the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees ap- beal.

Sec. 23. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed. Ex post facto law.

Sec. 24. The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men. Right to bear arms.

Sec. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law. Prosecution by information.

Sec. 26. No grand jury shall be drawn or summoned in any Grand jury. county, except the superior judge thereof shall so order.

Sec. 27. Treason against the state shall consist only in Treason. levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 28. No hereditary emoluments, privileges or powers shall be granted or conferred in this state.

Sec. 29. The provisions of this constitution are mandatory Constitution mandatory. unless by express words they are declared to be otherwise.

Sec. 30. The enumeration in this constitution of certain rights shall not be construed to deny others retained by the people.

Sec. 31. No standing army shall be kept up by this state Standing army. in time of peace, and no soldiers shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Sec. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

ARTICLE II.—LEGISLATIVE DEPARTMENT.

Section 1. The legislative powers shall be vested in a Sen. Legislature.
EA—2—

CONSTITUTION.

ate and House of Representatives, which shall be called the Legislature of the State of Washington.

Limited membership. Sec. 2. The House of Representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives. The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

State census. Sec. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five, and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

First election of representatives. Sec. 4. Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine, at the time and in the manner provided by this constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

Second and subsequent elections. Sec. 5. The next election of the members of the House of Representatives after the adoption of this constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter members of the House of Representatives shall be elected biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Election of state senators. Sec. 6. After the first election the senators shall be elected by single districts of convenient and contiguous territory at the same time and in the same manner as members of the House of Representatives are required to be elected, and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this constitution, in odd numbered districts, shall go out of office at the end of the first year, and the senators elected in the even numbered districts shall go out of office at the end of the third year.

Eligibility. Sec. 7. No person shall be eligible to the Legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

Sec. 8. Each House shall be the judge of the election, returns, and qualifications of its own members, and a majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

Sec. 9. Each House may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Sec. 10. Each House shall elect its own officers, and when Officers of the Lieutenant Governor shall not attend as president, or shall each house act as Governor, the Senate shall choose a temporary president. When presiding, the Lieutenant Governor shall have the deciding vote in case of an equal division of the Senate.

Sec. 11. Each House shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each House shall be kept open, except when the public welfare shall require secrecy. Neither House shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

Sec. 12. The first Legislature shall meet on the first Wednesday after the first Monday in November, A. D. 1889. The second Legislature shall meet on the first Wednesday after the first Monday in January, A. D. 1891, and sessions of the Legislature will be held biennially thereafter, unless specially convened by the Governor, but the times of meeting of subsequent sessions may be changed by the Legislature. After the first session the legislature the sessions shall not be more than sixty days.

Sec. 13. No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Sec. 14. No person, being a member of Congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the Legislature; and if any person after his election as a member of the Legislature shall be elected to Congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat: Provided, That officers of the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

Sec. 15. The Governor shall issue writs of election to fill Vacancies.

- Immunity from arrest.** such vacancies as may occur in either house of the Legislature.
- Sec. 16. Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement of each session.
- Free speech.** Sec. 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.
- Style of laws.** Sec. 18. The style of the laws of the state shall be: "Be it enacted by the Legislature of the State of Washington." And no law shall be enacted except by bill.
- But one subject in bill.** Sec. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.
- Either house may amend.** Sec. 20. Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended in the other.
- Yea^s and nays.** Sec. 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.
- Yea^s and nays in passage of bill.** Sec. 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.
- Compensation of members.** Sec. 23. Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature, on the most usual route.
- Lottery.—Divorce.** Sec. 24. The Legislature shall never authorize any lottery or grant any divorce.
- Extra compensation forbidden.** Sec. 25. The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.
- Suit against state.** Sec. 26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the state.
- Sec. 27. In all elections by the Legislature the members shall vote viva voce, and their votes shall be entered on the journal.
- SPECIAL LEGISLATION.**
- Private laws forbidden in certain cases.** Sec. 28. The Legislature is prohibited from enacting any private or special law in the following cases:
1. For changing the names of persons, or constituting one person the heir at law of another.
 2. For laying out, opening or altering highways, except in

cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by Congress.

3. For authorizing persons to keep ferries wholly within this state.
4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.
5. For assessment or collection of taxes, or for extending the time of collection thereof.
6. For granting corporate powers or privileges.
7. For authorizing the apportionment of any part of the school fund.
8. For incorporating any town or village, or to amend the charter thereof.
9. From giving effect to invalid deeds, wills or other instruments.
10. Releasing or extinguishing, in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state, or to any municipal corporation therein.
11. Declaring any person of age, or authorizing any minor to sell, lease or encumber his or her property.
12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.
13. Regulating the rates of interest on money.
14. Remitting fines, penalties or forfeitures.
15. Providing for the management of common schools.
16. Authorizing the adoption of children.
17. For limitation of civil or criminal action.
18. Changing county lines, locating or changing county seats: Provided, This shall not be construed to apply to the creation of new counties.

Sec. 29. After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

Sec. 30. The offense of corrupt solicitation of members of the Legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding — except for perjury in giving such testimony — and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the Legislature shall ^{not vote in} Members shall dis-certain cases.

CONSTITUTION.

close the fact to the house of which he is a member, and shall not vote thereon.

Laws take effect when.

Sec. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Presiding officers to sign bill.

Sec. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the Legislature shall prescribe.

Ownership of lands by aliens.

Sec. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purpose of this prohibition.

Bureau of statistics.

Sec. 34. There shall be established in the office of the Secretary of State, a bureau of statistics, agriculture and immigration, under such regulations as the Legislature may provide.

Laws relating to mines and factories.

Sec. 35. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employment dangerous to life and deleterious to health; and fix pains and penalties for the enforcement of same.

Introduction of bills limited.

Sec. 36. No bill shall be considered in either house unless the time for its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

Amending laws.

Sec. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Amendment to bills.

Sec. 38. No amendment to any bill shall be allowed which shall change the scope or object of the bill.

Passes forbidden.

Sec. 39. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase trans-

portation from any railroad or other corporation, other than as the same may be purchased by the general public, and the Legislature may pass laws to enforce this provision.

ARTICLE III.—THE EXECUTIVE.

Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, and a Commissioner of Public Lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the Legislature.

Sec. 2. The supreme executive power of this state shall be vested in a Governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

Sec. 3. The Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, and Commissioner of Public Lands, shall hold their offices for four years, respectively, and until their successors are elected and qualified.

Sec. 4. The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall deliver the same to the speaker of the House of Representatives at the first meeting of the House thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election, until otherwise provided by law.

Sec. 5. The Governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 6. He shall communicate at every session by message to the Legislature the condition of affairs of the state, and recommend such measures as he shall deem expedient for their action.

Sec. 7. He may, on extraordinary occasions, convene the Legislature by proclamation, in which shall be stated the purpose for which the Legislature is convened.

Sec. 8. He shall be commander-in-chief of the military in

Commander-in-chief.

the state except when they shall be called into the service of the United States.

Pardoning powers.

Sec. 9. The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

Duties shall devolve on Lieutenant Governor, when.

Sec. 10. In case of the removal, resignation, death, or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon the Secretary of State, who shall act as Governor until the disability be removed or a Governor be elected.

Governor may remit fines, etc.

Sec. 11. The Governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the Legislature at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

Duties of governor in regard to enactment of laws.—Veto.

Sec. 12. Every act which shall have passed the Legislature shall be, before it becomes a law, presented to the Governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the Governor within ten days next after the adjournment, Sundays excepted, shall file such bill, with his objections thereto, in the office of Secretary of State, who shall lay the same before the Legislature at its next session in like manner as if it had been returned by the Governor. If any bill presented to the Governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects and the reasons therefor and the section or sections, item or items, so objected to shall not take effect

May veto one or more items or sections.

unless passed over the Governor's objection as hereinbefore provided,

Sec. 13. When, during a recess of the Legislature, a vacancy shall happen in any office, the appointment to which is vested in the Legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Sec. 14. The Governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

Sec. 15. All commissions shall issue in the name of the state, all commissions shall be signed by the Governor, sealed with the seal of the state, and attested by the Secretary of State.

Sec. 16. The Lieutenant Governor shall be presiding officer of the state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 17. The Secretary of State shall keep a record of the official acts of the Legislature and executive department of the state, and shall, when required, lay the same and all other matters relative thereto before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 18. There shall be a seal of the state kept by the Secretary of State for official purposes, which shall be called "The Seal of the State of Washington."

Sec. 19. The Treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed four thousand dollars per annum.

Sec. 20. The Auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 21. The Attorney General shall be the legal advisor of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed thirty-five hundred dollars per annum.

Sec. 22. The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools, and

Salary. shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

Land commissioner. Sec. 23. The Commissioner of Public Lands shall perform such duties and receive such compensation as the Legislature may direct.

Certain offices to be kept at capital. Sec. 24. The Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, Commissioner of Public Lands, and Attorney General shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the Governor, Secretary of State, Treasurer, and Auditor shall reside.

Eligibility to state office. Sec. 25. No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the State Treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected. The Legislature may, in its discretion, abolish the offices of Lieutenant Governor, Auditor, and Commissioner of Public Lands.

Certain offices may be abolished.

ARTICLE IV.—THE JUDICIARY.

Supreme court Section 1. The judicial power of the state shall be vested in a **Inferior courts** Supreme Court, Superior Courts, justices of the peace, and such inferior courts as the Legislature may provide.

Supreme court consists of whom. Sec. 2. The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decision shall be stated. The Legislature may increase the number of judges of the Supreme Court from time to time, and may provide for separate departments of said court.

Supreme judges.—Election. Sec. 3. The judges of the Supreme Court shall be elected by the qualified electors of the state at large, at the general state election, at the times and places at which state officers are elected, unless some other time be provided by the Legislature. The first election of judges of the Supreme Court shall be at the election which shall be held upon the adoption of this constitution, and the judges elected thereat shall be classified, by lot, so that two shall hold their office for the term of three years, two for a term of five years, and one for the term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of State, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief jus-

Tenure of office.

Chief justice.

tice, and shall preside at all sessions of the Supreme Court, and in case there shall be two judges having in like manner the same short term, the other judges of the Supreme Court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If Vacancy,^{how filled.} a vacancy occur in the office of a judge of the Supreme Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the Supreme Court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the Supreme Court shall be held at the seat of government until otherwise provided by law.

Sec. 4. The Supreme Court shall have original jurisdiction of habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars (\$200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the Supreme Court, or before any Superior Court of the state, or any judge thereof.

Sec. 5. There shall be in each of the organized counties of Superior courts. this state a Superior Court for which at least one judge shall be elected by the qualified electors of the county at the general state election: Provided, That until otherwise directed by the Legislature one judge only shall be elected for the counties of Spokane and Stevens, one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas, and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield, and Asotin; one judge for the counties of Kittitas, Yakima, and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz, and Wahkiakum;

CONSTITUTION.

Sessions of court.

one judge for the counties of Thurston, Chehalis, Mason, and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan, and Clallam; and one judge for the counties of Whatcom, Skagit, and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the Superior Court at the same time as there are judges thereof, and whenever the Governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the Superior Court in said county at the same time as there are judges therein, or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of court, as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first

Tenure of office of superior judges.

superior judges elected under this constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified. The first election of judges of the Superior Court shall be at the election held for the adoption of this constitution. If a vacancy occurs in the office of judges of the Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Jurisdiction of superior courts.

Sec. 6. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases of law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all others cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to a felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The Superior Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdic-

tion in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

Sec. 7. The judge of any Superior Court may hold a Superior Court in any county at the request of the judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty to do so. A case in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys record, approved by the court, and sworn to try the case.

Sec. 8. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: Provided, That in cases of extreme necessity the Governor may extend the leave of absence such time as the necessity therefor shall exist.

Sec. 9. Any judge of any court of record, the Attorney General, or any prosecuting attorney may be removed from office by joint resolution of the Legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses, and on the question of removal the ayes and nays shall also be entered on the journal.

Sec. 10. The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Sec. 11. The Supreme Court and the Superior Courts shall be courts of record, and the Legislature shall have power to provide record.

that any of the courts of this state, excepting justices of the peace, shall be courts of record.

Inferior courts jurisdiction of. Sec. 12. The Legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this constitution.

Compensation of judicial officers. Sec. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the Supreme Court and judges of the Superior Courts shall, severally, at stated times during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the Supreme Court shall be paid by the state. One-half of the salary of each of the Superior Court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected.

Salary of superior judge, how paid. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

Salaries of judges, amount per annum. Sec. 14. Each of the judges of the Supreme Court shall receive an annual salary of four thousand dollars (\$4,000); each of the Superior Court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salary shall be payable quarterly. The Legislature may increase the salaries of the judges herein provided.

Judges ineligible to any other office. Sec. 15. The judges of the Supreme Court and the judges of the Superior Court shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

Charge to jury. Sec. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Eligibility to judgeship. Sec. 17. No person shall be eligible to the office of judge of the Supreme Court or judge of a Superior Court unless he shall have been admitted to practice in the courts of record of this State or of Territory of Washington.

Reporter for supreme court. Sec. 18. The judges of the Supreme Court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

Judges shall not practice law. Sec. 19. No judge of a court of record shall practice law in any court of this state during his continuance in office.

Decision of cases by superior judge, limit of time. Sec. 20. Every cause submitted to a judge of a Superior Court for his decision shall be decided by him within ninety days from the submission thereof: Provided, That if, within said period of ninety days, a rehearing shall have been ordered, then

the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

Sec. 21. The Legislature shall provide for the speedy publication of opinions of the Supreme Court, and all opinions shall be free for publication by any person.

Sec. 22. The judges of the Supreme Court shall appoint a clerk of that court, who shall be removable at their pleasure, but the Legislature may provide for the election of the clerk of the Supreme Court and prescribe the term of his office. The clerk of the Supreme Court shall receive such compensation, by salary only, as shall be provided by law.

Sec. 23. There may be appointed in each county, by the judge of the Superior Court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the Superior Court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Sec. 24. The judges of the Superior Courts shall, from time to time, establish uniform rules for the government of the Superior Courts.

Sec. 25. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the Supreme Court such defects and omissions in the laws as their experience may suggest, and the judges of the Supreme Court shall, on or before the first day of January in each year, report in writing to the Governor such defects and omissions in the laws as they may believe to exist.

Sec. 26. The county clerk shall be, by virtue of his office, clerk of the Superior Court.

Sec. 27. The style of all process shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.

Sec. 28. Every judge of the Supreme Court and every judge of the Superior Court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

ARTICLE V.—IMPEACHMENT.

Section 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieu-

tenant Governor is on trial, the chief justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

**Impeachment
for what of-
fences.**

Sec. 2. The Governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

**Removal from
office.**

Sec. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE VI.—ELECTIONS AND ELECTIVE RIGHTS.

**Qualifications
of electors.**

Section 1. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections. They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote: Provided, That Indians not taxed shall never be allowed the elective franchise: Provided further, That all male persons who at the time of the adoption of this constitution are qualified electors of the territory shall be electors.

**In school
elections.**

Sec. 2. The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

**Certain per-
sons not elec-
tors.**

Sec. 3. All idiots, insane persons, and persons convicted of infamous crime, unless restored to their civil rights, are excluded from the elective franchise.

**Residence not
gained or lost
by military
service; etc.**

Sec. 4. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

**Immunity
from arrest on
election days.**

Sec. 5. Voters shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

**Elections by
ballot.**

Sec. 6. All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Sec. 7. The Legislature shall enact a registration law, and Registration laws. shall require compliance with such law before any elector shall be allowed to vote: Provided, That this provision is not compulsory upon the Legislature, except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote, and the same system of registration need not be adopted for both classes.

Sec. 8. The first election of county and district officers, not First election of officers; otherwise provided for in this constitution, shall be on the Tuesday subsequent elections. next after the first Monday in November, 1890, and thereafter all elections for such offices shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this constitution, after the election held for the adoption of this constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state offices shall be every fourth year thereafter on the Tuesday succeeding the first Monday in November.

ARTICLE VII.—REVENUE AND TAXATION.

Section 1. All property in the state not exempt under the All property laws of the United States, or under this constitution, shall be taxed according to value: taxed in proportion to its value, to be ascertained as provided by law. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

Sec. 2. The Legislature shall provide by law a uniform and Uniform and equal rate of assessment and taxation on all property in the taxation. state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property: Provided, That a deduction of debts from credits may be authorized: Provided further, That the property of the United States, and of the state, counties, school districts, and other municipal corporations, and such other property as the Legislature may by general laws provide, shall be exempt from taxation. Exemptions.

Sec. 3. The Legislature shall provide by general law for the Assessment of assessing and levying of taxes on all corporation property as property. near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

Sec. 4. The power to tax corporations and corporate property. Same. property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

No tax except in pursuance of law.

Sec. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

All taxes paid in money.

Sec. 6. All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

Statement of receipts and expenditures.

Sec. 7. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the Legislature may provide.

Deficiencies in revenue provided for.

Sec. 8. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Rights of cities and towns to levy special taxes.

Sec. 9. The Legislature may vest the corporate authorities of cities, towns, and villages with the power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

ARTICLE VIII.—STATE, COUNTY, AND MUNICIPAL INDEBTEDNESS.

State indebtedness limited.

Section 1. The state may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debts so contracted, and to no other purpose whatever.

Exceptions to limitation.

Sec. 2. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and no other purpose whatever.

Special provision for incurring indebtedness.

Sec. 3. Except the debts specified in sections one and two of this article, no debt shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and

such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state, for three months next exceeding the election at which it is submitted to the people.

Sec. 4. No money shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Sec. 5. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, company, or corporation.

Sec. 6. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: Provided further, That any city or town with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.

Sec. 7. No county, city, town, or other municipal corporation shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, company, or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation.

ARTICLE IX.—EDUCATION.

Section 1. It is the paramount duty of the state to make ample provision for the education of all children residing within

Education of children.

CONSTITUTION.

Uniform system of public schools; includes what; support of.

Common school fund; derived from what sources.

Legislature may provide for increase.

Schools non-sectarian.

Losses to permanent school other state educational fund, which shall be occasioned by defalcation, mismanagement, or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than 6 per cent.

its borders, without distinction or preference on account of race, color, caste, or sex.

Sec. 2. The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools, shall be exclusively applied to the support of the common schools.

Sec. 3. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, and other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five percentum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of Congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been and hereafter may be, granted to the state for the support of common schools. The Legislature may make further provisions for enlarging said fund. The interest accruing on said fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

Sec. 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Sec. 5. All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement, or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than 6 per cent.

annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this constitution.

ARTICLE X.—MILITIA.

Section 1. All able-bodied male citizens of this state, between the ages of eighteen (18) and forty-five (45) years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

Sec. 2. The Legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions.

Sec. 3. The Legislature shall provide by law for the maintenance of the Soldiers' Home for honorably discharged Union soldiers, sailors, marines, and members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state.

Sec. 4. The Legislature shall provide by law for the protection and safe keeping of the public arms.

Sec. 5. The militia shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the attendance at musters and elections of officers, and in going to and returning from the same.

Sec. 6. No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: Provided, Such person or persons shall pay an equivalent for such exemption.

ARTICLE XI.—COUNTY, CITY AND TOWNSHIP ORGANIZATION.

Section 1. The several counties of the Territory of Washington, existing at the time of the adoption of this constitution, are hereby recognized as legal subdivisions of this state.

Sec. 2. No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

Sec. 3. No new county shall be established which shall reduce any county to a population of less than four thousand (4000), nor shall a new county be formed containing a less

Change of
boundaries.

population than two thousand (2000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor, and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with any debt or liability then existing, incurred in the purchase of any county property or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: Provided further, That this shall not be construed to effect the rights of creditors.

System of
county govern-
ment.

Sec. 4. The Legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified elector of such county voting at a general election shall so determine, and whenever a county shall adopt township organization, the assessment and collection of revenue shall be made, and the business of such county, and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

County offi-
cers, compen-
sation of.

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township, or precinct and district officers, as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

Vacancies.

Sec. 6. The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct, or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

Ineligibility
for more than
two terms.

Sec. 7. No county officer shall be eligible to hold his office more than two terms in succession.

Salaries.

Sec. 8. The Legislature shall fix the compensation by salaries of all county officers, and of constables in cities having

a population of 5,000 and upward; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town, or municipal officer shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Sec. 9. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

Sec. 10. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution, shall be subject to and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts

Charters for cities of 20,000 or more.
Adoption of charter.

CONSTITUTION.

of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in Amendment of said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Privileges of cities. Sec. 11. Any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.

Local taxation governed by general laws. Sec. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other municipal corporations, or the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Sec. 13. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

Unlawful use of public money a felony. Sec. 14. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

All public money to be deposited with treasurer. Sec. 15. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depositary, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.

ARTICLE XII.—CORPORATIONS OTHER THAN MUNICIPAL.

Not created by special laws. Section 1. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended, or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited, or restrained by law.

Sec. 2. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place, and business been commenced

in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

Sec. 3. The Legislature shall not extend any franchise or charter, nor permit the forfeiture of any franchise or charter of any corporation now existing or which shall hereafter exist under the laws of this state.

Sec. 4. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock, and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

Sec. 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Sec. 6. Corporations shall not issue stock, except to bona fide subscribers therefor; or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Sec. 7. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Sec. 8. No corporation shall lease or alienate any franchise, so as to release the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

Sec. 9. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in, the stock of any company, association or corporation.

Sec. 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

Corporations and individuals shall not issue money, except lawful money of U. S.

Liability of stockholders.

Insolvent banks shall not receive deposits.

Common carriers; rights; duties.

Certain combinations of forbidden.

Discrimination in rates forbidden.

Sec. 11. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

Sec. 13. All railroad, canal, and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of the state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross, or connect with any other railroad, and when such railroads are of the same or similar gauge they shall, at all crossings and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections, so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

Sec. 14. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Sec. 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within the state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction to any more

distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Sec. 16. No railroad corporation shall consolidate its stock, Shall not consolidate property or franchise with any other railroad corporation owning a competing line.

Sec. 17. The rolling stock and other movable property belonging to any railroad company or corporation in this state etc., considered to be personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

Sec. 18. The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses, and to prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Sec. 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights-of-way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges, or rates for transportation of men or material, or for repairing their lines, not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

Sec. 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect.

Sec. 21. Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state, transportation over all lines of railroad owned or operated by such railroad com-

panies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges, or rates for transportation of men or materials or property carried by them, or for doing the business of such express companies, not allowed to all express companies.

Trusts and monopolies forbidden.

Sec. 22. Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever, for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their charter.

ARTICLE XIII.—STATE INSTITUTIONS.

Educational, reformatory and penal institutions.

Section 1. Educational, reformatory, and penal institutions; those for the benefit of blind, deaf, dumb, or otherwise defective youth, for the insane and idiotic, and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this constitution, and of such as shall thereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate; and upon all nominations made by the Governor, the question shall be taken by the ayes and nays, and entered upon the journal.

ARTICLE XIV.—SEAT OF GOVERNMENT.

Permanent location of seat of government, or how chosen.

Section 1. The Legislature shall have no power to change the seat of government, or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the territory, at the election to be held for the adoption of this constitution. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the Legislature shall, at its first regular session after the adoption of this constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election

thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: Provided, That ^{Temporary seat.}

until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

Sec. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the Legislature. ^{How changed.}

Sec. 3. The Legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capitol in pursuance of law.

ARTICLE XV.—HARBORS AND TIDE WATERS.

Section 1. The Legislature shall provide for the appointment ^{Harbor line commission.} of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays, and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. The state shall never give sell, or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than 600 feet of such harbor line (as the commissioners shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and ^{Areas reserved for wharves and landings.} other conveniences of navigation and commerce.

Sec. 2. The Legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks, and other structures upon the areas mentioned in section 1 of this article, but no lease shall be made for any term longer than thirty years, or the Legislature may provide by general laws for the building and maintaining upon such area, wharves, docks, and other structures. ^{Leasing of sites for wharves and docks.}

Sec. 3. Municipal corporations shall have the right to extend

their streets over intervening tide lands to and across the area reserved as herein provided.

ARTICLE XVI.—SCHOOL AND GRANTED LANDS.

Shall not be sold at less than market value.

Section 1. All the public lands granted to the state are held in trust for all the people, and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Lands for educational purposes sold to highest bidder at public auction.

Sec. 2. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder. The value thereof, less the improvements, shall, before the sale, be appraised by a board of appraisers, to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of said lands for disposal, the value of the improvements thereon shall be excluded: Provided, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the Legislature.

School lands, how sold.

Sec. 3. No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: Provided, That nothing herein shall be construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: And provided further, That no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

Subdivision of.

Sec. 4. No more than one hundred and sixty (160) acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city, or within two miles of the boundary of any incorporated city, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars (\$100) per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

Investment of funds.

Sec. 5. None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, or municipal bonds.

ARTICLE XVII.—TIDE LANDS.

Section 1. The State of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: Provided, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state. Claim of state.

Sec. 2. The State of Washington disclaims all title in and claim to all tide, swamp, and overflowed lands patented by the United States: Provided, The same is not impeached for fraud. Ownership disclaimer claimed to certain lands.

ARTICLE XVIII.—STATE SEAL.

Section 1. The seal of the State of Washington shall be a seal encircled with the words: "The seal of the State of Washington," with the vignette of Gen. George Washington as the central figure, and beneath the vignette the figures "1889." Design of.

ARTICLE XIX.—EXEMPTIONS.

Section 1. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families. Homestead.

ARTICLE XX.—PUBLIC HEALTH AND VITAL STATISTICS.

Section 1. There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the Legislature may direct. Board of health.

Sec. 2. The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines. Practice of medicine.

ARTICLE XXI.—WATER AND WATER RIGHTS.

Section 1. The use of the waters of the state for irrigation, mining, and manufacturing purposes shall be deemed a public use. Water rights.

ARTICLE XXII.—LEGISLATIVE APPORTIONMENT.

Section 1. Until otherwise provided by law, the state shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams, and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the

First apportionment, senatorial districts.

CONSTITUTION.

sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district, and be entitled to one senator; the counties of Klickitat and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam, and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.

First apportionment, representative districts.

Sec. 2. Until otherwise provided by law, the representatives shall be divided among the several counties of the state in the following manner: The county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representative; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county

of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the county of Snohomish shall have two representatives; the county of Skagit shall have two representatives; the county of Spokane shall have six representatives; the county of Stevens shall have one representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three representatives; the county of Wahkiakum shall have one representative; the county of Whatcom shall have two representatives; the county of Whitman shall have five representatives; the county of Yakima shall have one representative.

ARTICLE XXIII.—AMENDMENTS.

Section 1. Any amendment or amendments to this constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election, and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the Governor: Provided, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The Legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding election, in some weekly newspaper in every county where a newspaper is published throughout the state.

Sec. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall, at the next session, provide by law for calling the same; and such convention shall consist of a number of members not less than that of the most numerous branch of the Legislature.

Sec. 3. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE XXIV.—BOUNDARIES.

Section 1. The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one

marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river; thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river; thence due north to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equi-distant between Bonnilla point on Vancouver's Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league off shore, to place of beginning.

ARTICLE XXV.—JURISDICTION.

United States
to have juris-
diction over
certain tracts
and parcels of
land.

Exception.

Section 1. The consent of the State of Washington is hereby given to the exercise, by the congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses, and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the constitution of the United States, so long as the same shall be so held and reserved by the United States: Provided, That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents, or other evidences in writing of the title of the United States: And provided, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

ARTICLE XXVI.—COMPACT WITH THE UNITED STATES.

The following ordinance shall be irrevocable without the con-

sent of the United States and the people of this state:

First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second: That the people inhabitating this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that, until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States, and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for use: Provided, That nothing in this ordinance shall preclude the state from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relation, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of Congress may prescribe.

Third: The debts and liabilities of the Territory of Washington, and payment of the same, are hereby assumed by this state.

Fourth: Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control, which shall be open to all the children of said state.

ARTICLE XXVII.—SCHEDULE.

In order that no inconvenience may arise by reason of a change from territorial to a state government, it is hereby declared and ordained as follows:

Section 1. No existing rights, actions, suits, proceedings, contracts, or claims shall be affected by a change in the form of government, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

Sec. 2. All laws now in force in the Territory of Washington which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or

Religious toleration guaranteed.

Rights to unappropriated public lands disclaimed.

Debts of territory assumed.

System of public schools guaranteed.

Laws of territory of Washington valid.

repealed by the Legislature: Provided, That this section shall not be so construed as to validate any act of the Legislature of Washington Territory granting shore or tide lands to any person, company, or any municipal or private corporation.

Debts, fines, etc., inure to state. Sec. 3. All debts, fines, penalties, and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

Recognizances taken under territorial government valid under state government. Sec. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state, and all bonds executed to the Territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be used for and recovered accordingly, and all the estate, real, personal, and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent by the State of Washington, as the same could have been by the Territory of Washington.

Penal actions. Sec. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued and transferred to the court of the state having jurisdiction of the subject matter thereof.

Public officers. Sec. 6. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

First election of officers. Sec. 7. All officers provided for in this constitution, including a county clerk for each county, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this constitution on the first Tuesday of October, 1889.

Sec. 8. Whenever the judge of the superior court of any county, elected or appointed under the provisions of this constitution, shall have qualified, the several causes then pending in the district court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States District Court, had such court existed at the time of the commencement of such causes within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties, together with transcript of so much of the records of said district court as relate to the same; and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the Supreme Court of the state shall have been elected and qualified, the causes then pending in the Supreme Court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States Circuit Court, had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the state, and until so superseded, the Supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this constitution had not been adopted.

Sec. 9. Until otherwise provided by law, the seal now in use in the Supreme Court of the territory shall be the seal of the Supreme Court of the state. The seals of the Superior Courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington, with the words: "Seal of the Superior Court of County," surrounding the vignette. The seal of municipalities, and all county officers of the territory, shall be the seals of such municipalities and county officers, respectively, under the state, until otherwise provided by law.

Sec. 10. When the state is admitted into the Union, and the Superior Courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each

Courts, transfered to
cases to be
Probate court
superior court.

11 of 14

county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the Superior Court of the same county created by this constitution, and the said court shall proceed to final judgment or decree, order or other determination, in the several matters and causes as the territorial probate court might have done if this constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory. The Superior Courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

Sec. 11. The Legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this constitution, and fix the time for commencement and duration of their term.

Contests at
first election.

Sec. 12. In case of a contest of election between candidates, at the first general election under this constitution, for judges of the Superior Courts, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the Secretary of State; and said officer, together with the Governor and Treasurer of State, shall review the evidence and determine who is entitled to the certificate of election.

Representative
in congress.

Sec. 13. One representative in the Congress of the United States shall be elected from the state at large, at the first election provided for in this constitution; and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in Congress, at the first election, shall be canvassed and the result determined in the manner provided for by the laws of the territory for the canvass of the vote for delegate in Congress.

District, coun-
ty and precinct
officers to hold
office until
1891.

Sec. 14. All district, county, and precinct officers, who may be in office at the time of the adoption of this constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this constitution; and the official bond of all such officers shall continue in full force and effect as though this constitution had not been adopted. And such officers shall continue to receive the compensation now provided until the same be changed by law.

Sec. 15. The election held at the time of the adoption of this constitution shall be held and conducted in all respects according

to the laws of the territory, and the votes cast at said election for all officers (where no other provisions are made in this constitution), and for the adoption of this constitution and the several separate articles, and the location of the state capitol, shall be canvassed and returned in the several counties in the manner provided by territorial law, and shall be returned to the Secretary of the Territory in the manner provided by the enabling act.

Sec. 16. The provisions of this constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

Sec. 17. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this constitution: Separate article No. 1: "All persons, male and female, of the age of 21 years, or over, possessing the other qualifications provided by this constitution, shall be entitled to vote at all elections." Separate article No. 2: "It shall not be lawful for any individual, company, or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt, or spirituous liquors, except for medicinal, sacramental or scientific purposes." If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate articles so receiving a majority shall become a part of this constitution and shall govern and control any provision of the constitution in conflict therewith.

Sec. 18. The form of ballot to be used in voting for or against this constitution, or for or against the separate articles, or for the permanent location of the government, shall be:

1. For the Constitution.
Against the Constitution.
2. For Woman Suffrage Article.
Against Woman Suffrage Article.
3. For Prohibition Article.
Against Prohibition Article.
4. For the permanent location of the seat of government.

(Name of place voted for.)

Sec. 19. The Legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this constitution not provided for by the enabling act of Congress.

CERTIFICATE.

We, the undersigned, members of the convention to form a constitution for the State of Washington, which is to be sub-

CONSTITUTION.

mitted to the people for their adoption or rejection, do hereby declare this to be the constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August, anno domini, one thousand eight hundred and eighty-nine.

JOHN P. HOYT, President	FRANCIS HENRY,
J. J. BROWNE,	GEORGE COMEGYS,
N. G. BLALOCK,	OLIVER H. JOY.
JOHN F. GOWEY,	DAVID E. DURIE,
FRANK M. DALLAM,	D. BUCHANAN,
JAMES Z. MOORE,	JOHN R. KINNEAR,
E. H. SULLIVAN,	GEORGE W. TIBBETTS,
GEORGE TURNER,	H. W. FAIRWEATHER,
AUSTIN MIERS,	THOMAS C. GRIFFITHS,
M. M. GODMAN,	C. H. WARNER,
GWIN HICKS,	J. P. T. McCROSKEY,
WM. F. PROSSER,	S. G. COSGROVE,
LOUIS SOHNS,	THOS. HAYTON,
A. A. LINDSLEY,	SAM'L H. BERRY,
J. J. WEISENBURGER,	D. J. CROWLEY,
P. C. SULLIVAN,	J. T. McDONALD,
R. S. MORE,	JOHN M. REED,
THOMAS T. MINOR,	EDWARD ELDRIDGE,
J. J. TRAVIS,	GEO. H. STEVENSON,
ARNOLD J. WEST.	SILVIUS A. DICKEY,
CHARLES T. FAY,	HENRY WINSOR,
CHARLES P. COEY,	THEODORE L. STILES,
ROBT F. STURDEVANT,	JAMES A. BURK,
JOHN A. SHOUDY,	JOHN McREAUVY,
ALLEN WEIR,	R. O. DUNBAR,
W. B. GRAY,	MORGAN MORGANS,
TRUSTEN P. DYER,	JAMES POWER,
GEO. H. JONES,	B. B. GLASCOCK,
B. L. SHARPSTEIN,	O. A. BOWEN,
H. M. LILLIS,	HARRISON CLOTHIER,
J. F. VAN NAME,	MATT C. McELROY,
ALBERT SCHOOLEY.	J. T. ESHelman,
H. C. WILLISON,	ROBORT JAMIESON,
T. M. REED.	HIRAM E. ALLEN,
S. H. MANLY,	H. F. SUKSDORF,
RICHARD JEFFS,	J. C. KELLOGG.

Attest:

JNO. I. BOOGE, Chief Cler

M 70 U

Constitutional Amendments.**AMENDMENT 1.**

Art. 16. Sec. 5. Investment of School Fund.—None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal, or school district bonds.

Adopted November, 1894.

AMENDMENT 2.

Art. 6. Sec. 1. Qualifications of Voters.—All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward, or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not affect the right of franchise of any person who is now a qualified elector of this state. The Legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section.

Approved November, 1896.

AMENDMENT 3.

Art. 7, Sec. 2, was amended by adding the following proviso: "And provided further, That the Legislature shall have power, by appropriate legislation, to exempt personal property to the amount of \$300 for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner."

Approved November, 1900.

Mnoli

INDEX TO ENABLING ACT.

	Sec.	Page.
CONVENTIONS—Constitutional:		
Choosing of delegates to	8	3
Qualifications of electors and delegates.....	8	3
Number of delegates.....	8	4
Time of electing delegates to	8	4
Places of meeting	4	4
Time of meeting.....	4	4
Conventions for Dakotas	5	5
Conventions may be reconvened.....	7	6
Convention of South Dakota shall submit Sioux Falls constitution	8	7
Conventions of Montana, North Dakota and Washington to frame constitutions to be submitted to people October 1, 1889	8	7
Expenses of conventions provided for	20	11
CONSTITUTIONS—State:		
Must be republican in form.....	4	4
Must make no distinction in regard to race, etc.....	4	4
Must not be repugnant to constitution of United States or to principles of Declaration of Independence.....	4	4
Must guarantee religious toleration.....	4	4
Must disclaim all right to certain lands.....	4	4
Must provide for assumption of territorial debts.....	4	5
Must provide for maintenance of public schools.....	4	5
COURTS:		
United States and Circuit court	21	11
Proceedings in courts.....	22	12
Proceedings in courts.....	23	13
DAKOTA TERRITORY:		
May become two states	1	3
Division of, on what line.....	2	3
Conventions to form constitutions	2	3
Archives of territory.....	5	5
Public property of, division of.....	6	6
ELECTIONS:		
Election of delegates to constitutional conventions	3	4
To adopt or reject constitutions	8	7
Returns of, how made	8	7
Returns to be certified to president of United States	8	7
Election of representatives in congress	9	7
Election of first state officers	9	8
Election of United States senators	24	14
GRANTED LANDS:		
How selected	19	11
LANDS—Agricultural College:		
90,000 acres to each state except South Dakota.....	16	10
120,000 acres to South Dakota.....	16	10
LANDS—For public buildings:		
Fifty sections to each state.....	12	8
LANDS GRANTED IN LIEU OF SWAMP LANDS:		
To South Dakota.....	17	10
To North Dakota.....	17	40
To Montana	17	10
To Washington.....	17	11
Mineral lands excepted	18	11

	Sec.	Page.
LANDS—Public School:		
Section 16 and 36 shall be school lands	10	8
Minimum price when sold	11	8
May be leased	11	6
School lands in lieu of mineral lands.....	18	11
LANDS—University:		
For Dakota and Montana.....	14	9
Minimum price of.....	14	9
For Washington	14	9
Minimum price of	14	9
MONTANA:		
May become a state	1	3
PENITENTIARIES—Provisions for:		
In South Dakota	15	9
In North Dakota.....	15	10
In Washington	15	10
In Montana.....	15	10
PRESIDENT:		
Shall issue proclamation admitting states, when	8	7
REPRESENTATIVES IN CONGRESS:		
Number to be chosen for each state.....	9	6
SCHOOL FUNDS:		
Five per cent. of proceeds of lands sold after admission of states.....	13	8
STATE GOVERNMENTS:		
Shall remain in abeyance	24	13
Officers of, may be elected, when	24	13
Officers of, shall assume duties, when.....	24	14
WASHINGTON:		
May become a state	1	3

ALPHABETICAL INDEX TO CONSTITUTION.

A

	Sec.	Art.	Page.
ABSCONDING DEBTORS —Not privileged from imprisonment for debt.....	17	1	16
ABSENCE —Of governor, duties devolve upon lieutenant governor	10	3	24
Of governor and lieutenant governor, duties devolve upon secretary of state	10	3	24
Of judicial officer, shall work forfeiture of office.....	8	4	29
Of other persons in certain cases, shall not affect residence for pur- pose of voting or election to office	4	6	32
ACCEPTANCE of certain offices under U. S. to vacate seat in legislature....	14	2	19
ACCUSED :			
Rights of, to defense in criminal prosecutions.....	22	1	17
Rights of, in removal from office by legislature.....	9	4	29
ACT :			
Not to be revised or amended, unless set forth in full	37	2	22
May become a law, how.....	12	3	24
ACTIONS, SUITS, CONTRACTS, ETC. :			
Not to be affected in change of form of government	1	27	51
Pending, to be transferred to state courts.....	5	27	52
All pending actions, with papers, etc. to be transferred to proper courts.....	8	27	53
Pending actions in supreme court of territory transferred to su- preme court of state	8	27	53
ADJOURNMENT OF LEGISLATURE :			
For want of quorum.....	8	2	19
Powers restricted as to time and place.....	11	2	19
ADOPTION OF CHILDREN shall not be authorized by special acts of legis- lature.....	28	2	20
ADVICE AND CONSENT OF SENATE —Appointment of officers for state institutions to be by and with.....	1	18	44
AFFIRMATION : (See Oath.)			
ALIENATION OF FRANCHISE —Not to relieve corporations from liabilities	8	12	41
ALIENS :			
Ownership of land by, prohibited except in certain cases	33	2	22
Corporations aliens, if majority of stock is owned by aliens.....	33	2	22
AMENDMENT TO CHARTER OF TOWN by special legislation, prohibited ..	28	2	21
AMENDMENTS TO CONSTITUTION :			
Proposed in either house	1	23	49
Two-thirds vote necessary in each house	1	23	49
Votes to be taken by ayes and noes.....	1	23	49
Must be ratified by electors at general election..	1	23	49
Must be voted upon separately	1	23	49
Must be published three months before election	1	23	49
AMENDMENTS TO BILLS :			
May be made in either house	20	2	20
Not to change scope or object of original bill	38	2	22
ANNULMENT OF MARRIAGE :			
Appellate jurisdiction of supreme court	4	4	27
Original jurisdiction of superior courts	6	4	28
APPELLATE JURISDICTION :			
Of supreme court.....	4	4	27
Of superior court.....	6	4	28
Of superior court over decisions of probate court.....	10	21	28

	Sec.	Art.	Page
APPOINTMENT:			
To office under U. S., effect on legislator if office is accepted.....	14	2	19
Of officers of state institutions, to be made by governor.....	1	18	44
APPORTIONMENT:			
Of legislators to be made after each census.....	3	2	18
Persons excluded.....	3	2	18
Of legislature.....	2	22	48
APPROPRIATIONS:			
Necessary to draw money from state treasury.....	4	8	35
Payment to be made, when	4	8	35
Sum and object to be specified.....	4	8	35
Can be made for capitol building, when..	3	14	45
AREA RESERVED:			
Between harbor line and line of high tide.....	1	15	45
Restrictions on sale by state	1	15	45
ARMS —Right of people to bear.....	24	1	17
ARMY —Standing, not to be kept	31	1	17
ARREST:			
Members of legislature privileged from	16	2	20
Except for certain crimes.....	16	2	20
Electors privileged from, on election day, except.....	5	6	32
Members of militia privileged from, when	5	10	37
ARTIFICIAL LIGHT —Right of cities to contract debt for.....	6	8	35
ASSEMBLAGES OF PEOPLE —Right to assemble peaceably not to be abridged	4	1	15
ASSESSMENT:			
Appellate jurisdiction of supreme court	4	4	27
Original jurisdiction of superior court	6	4	28
Uniform and equal rate of, to be established (see Tax, Taxation)	2	7	33
ASSIGNMENT of counties to each judge of superior court.....	5	4	27
ASSOCIATION:			
Included in term "corporations"	5	12	41
May organize to construct telegraph and telephone lines	19	12	43
Combination to fix price, limit production, etc., of any product prohibited.....	22	12	44
ATTAINDEB BILLS OF —Prohibited	23	1	17
ATTORNEY GENERAL:			
When and by whom elected	1	3	23
Term of office.....	3	3	23
Duties of.....	21	8	25
Salary of	21	3	25
May be removed for incompetency, etc., by legislature.....	9	4	29
Rights of accused	9	4	29
Liable to impeachment	2	5	32
AUDITOR:			
When and by whom elected	1	3	23
Term of office	3	3	23
Duties of	20	3	25
Salary of	20	3	25
Must reside, where.....	24	3	26
Office may be abolished by legislature.....	25	3	26
AYES AND NOES:			
To be taken in voting upon nominations by governor for officers of state institutions.....	1	18	44
And entered on the journal	1	18	44
On proposed amendment to constitution.....	1	23	49
To be entered on journal.....	1	23	49
(See Yea s and Nay s.)			
B			
BAIL:			
Excessive not to be required.....	14	1	16
Allowed on sufficient sureties.....	20	1	16
Except for capital offenses.....	20	1	16

INDEX.

63

	Sec.	Art.	Page.
BALLOT:			
All elections to be by	6	6	32
Form of, for separate articles voted on	18	27	55
BANKING CORPORATIONS:			
Liability of stockholders of	11	12	42
Liability of any officer of, for receiving deposit after knowledge of insolvency of bank	12	12	42
BEDS AND SHORES OF NAVIGABLE WATERS—State asserts ownership of	1	17	47
BIENNIAL sessions of legislature.	12	2	19
BILL:			
No law except by bill	18	2	20
To embrace only one subject	19	2	20
May originate, where	20	2	20
Requisites at final passage of	22	2	20
Must be signed by	32	2	22
Limitation of time for introduction	36	2	22
To be presented to governor for approval	12	3	24
Governor may sign or veto	43	3	24
Passage over veto	12	1	24
When to become a law	12	3	24
BONDS:			
County, city, township, etc., not to own stocks or bonds of corpora- tion	7	8	35
Of corporations not to be issued except for money, property or labor	6	12	41
Executed to the territory to pass to the state	4	27	52
BOUNDARIES of state	1	24	49
BRIBERY:			
To be punished, how	30	2	21
Compulsory testimony in cases of	30	2	21
A disqualification for office	30	2	21
BUREAU OF STATISTICS, AGRICULTURE, ETC., to be established by legislature	34	2	22
BUREAU OF VITAL STATISTICS to be established by legislature	1	20	47
C			
CANAL COMPANIES—(See Railroads.)			
CAPITOL BUILDINGS—No appropriation to be made for, until, when	3	14	45
CAPITAL OFFENSE—Bailable, when	20	1	16
CENSUS—(See Enumeration and Inhabitants.)			
CERTIORARI:			
Jurisdiction of supreme court	4	4	27
Jurisdiction of superior court	6	4	28
CHANGE IN NAME by special legislation prohibited	28	2	20
CHARTER:			
Cannot be amended by special legislation	28	2	20
Void for want of organization	2	12	40
Not to be extended	3	12	41
(See City.)			
CHIEF JUSTICE OF SUPREME COURT:			
Who to be	3	4	26
Must preside on trial of impeachment, when	1	5	31
CITY:			
Power to levy tax for local improvements	9	7	34
Power to assess and collect taxes	9	7	34
Assessment, how ascertained	6	8	35
Charter of, how obtained	10	11	39
To be submitted to electors of	10	11	39
Approval of majority of electors necessary	10	11	39
To be published	10	11	39
Election for adoption to be upon notice	10	11	39
May be amended	10	11	39
Alternate articles may be voted on separately	10	11	39
CIVIL ACTIONS:			
Limitation of, by special acts prohibited	28	2	28

	Sec.	Art.	Page.
Number of jurors in.....	21	1	16
Number necessary for verdict.....	21	1	16
Parties may waive jury.....	21	1	16
CLASSIFICATION of judges of supreme court by lot.....	3	4	26
CLERK:			
Of supreme court, judges to appoint	22	4	31
But legislature may provide for election.....	22	4	31
Salary of, to be provided by law.....	22	4	31
COLLECTION OF TAXES—Time not to be extended by special acts.....	28	2	20
COMBINATION:			
By common carriers to share earnings, prohibited	14	12	42
To affect prices, production or transportation of any commodity, prohibited	22	12	44
COMMANDER IN CHIEF of military	8	3	23
COMMISSIONER OF PUBLIC LANDS:			
When and by whom elected.....	1	3	23
Term of office.....	3	3	23
Salary of.....	23	3	26
Duties of.....	23	3	26
Records of, to be kept at state capital.....	24	3	26
Office may be abolished by legislature	25	3	26
COMMISSIONS:			
To be signed by governor	15	3	25
To be attested by secretary of state.....	15	3	25
COMMON CARRIERS:			
Railroad, canal and other transportation companies are.....	13	12	42
And subject to legislative control	13	12	42
Telegraph and telephone companies are	19	12	43
(See Railroads.)			
COMMON SCHOOL FUND:			
Revenue and income to be applied to common schools	2	9	36
Revenue derived from, shall be applied to current use of	3	9	36
Principal to remain permanent.....	3	9	36
Derived from what source	3	9	36
Legislature may provide for enlarging.....	3	9	36
Losses occasioned by default, fraud, etc., to become a permanent funded debt against state.....	5	9	36
Interest to be paid on debt, what.....	5	9	36
Not to be loaned to anyone	5	16	46
How to be invested	5	16	46
COMMON SCHOOLS:			
Not subject to private or special acts	28	2	20
(See Public Schools.)			
COMMUTATION OF SENTENCE:			
Each case of, to be reported by governor to legislature	11	3	24
With reasons for granting the same	11	3	24
COMMUTATION OF STATE TAXES prohibited.....	9	11	39
COMMUTATION TICKETS—May be at special rates.....	15	12	42
COMPENSATION:			
To be first made on taking property for public use.....	16	1	16
To be made for right-of-way to use of corporations.....	16	1	16
To be ascertained by a jury.....	16		16
Of members of the legislature.....	23	2	20
Extra, to any public officer cannot be granted ..	25	2	20
Of public officers not to be changed during term.....	25	2	20
Of state officers shall not be increased or diminished during term (see salaries).....	25	3	26
CONDITIONS on foreign corporations.....	7	12	41
CONFESSON IN OPEN COURT—Effect in treason.....	27	1	17
CONGRESS:			
Member of, not eligible to legislature	14	2	19
Legislators elected to, must vacate seat.....	14	2	19
To have exclusive legislation over lands of U. S.	25	60	

INDEX.

65

	Sec.	Art.	Page.
CONGRESS—Continued.			
Subject to certain conditions	25	60	
To have control of Indian lands	2	26	51
CONSENT OF GOVERNED —Origin of just powers of government.....	1	1	15
CONSOLIDATION of competing lines of railroads prohibited.....	16	12	48
CONSTABLES —Legislature to fix salaries of certain	8	11	38
CONSTITUTION:			
Of U. S. supreme law of land	2	1	15
Of state, provisions mandatory.....	29	1	17
Modes of amending	1	23	49
Convention to amend, may be called	2	23	49
Mode of revising	2	23	49
To be submitted to people	3	23	49
To go into effect, when.....	16	27	55
Terms of officers, when to begin.....	16	27	55
CONTempt AND DISORDERLY BEHAVIOR —Each house may punish for ...	9	3	19
CONTRACTS:			
Obligations of, not to be impaired.....	23	1	17
Affecting price, production or transportation of any commodity pro- hibited.....	22	12	44
Existing, not to be affected by change in form of government	1	27	51
CONVENTION TO REVISE OR AMEND:			
How and when formed.....	2	23	49
To consist	2	23	49
CONVICTION:			
Not to work corruption of blood nor forfeiture of estate.....	15	1	16
On impeachment, two-thirds senators must concur	1	5	31
CONVICT LABOR:			
Not to be let out by contract	29	2	21
To be provided for by legislature.....	29	2	21
COPARTNERSHIPS —Not to combine, etc., to affect the price, production or transportation of any commodity	22	12	44
CORONERS may or may not be salaried officers.....	8	11	38
CORPORATE POWERS cannot be granted by special legislation	28	2	20
CORPORATIONS:			
Equal privileges and immunities to	12	1	16
To pay compensation for right-of-way.....	16	1	16
Shall not be relieved from debt by special acts	28	2	20
When alien	33	2	22
Property to be taxed like that of individuals	3	7	33
State not to surrender power to tax.....	4	7	33
To be formed under general laws.....	1	12	40
Laws relating to, may be altered, amended or repealed	1	12	40
May be regulated or restrained in their business	1	12	40
Certain existing charters and franchises to be invalid.....	2	12	40
Liability of stockholders of.....	4	12	41
Of banking, etc., shall be individually and personally liable, etc.....	11	12	42
Banking and insurance companies excepted	4	12	41
Stockholders may be joined as parties defendant.....	4	12	41
Term includes associations and joint stock companies	5	12	41
May sue and be sued	5	12	41
Restriction on issue of stocks or bonds.....	6	12	41
Consent of stockholders necessary to increase stock of	6	12	41
Notice to be given on increase of stock	6	12	41
Foreign corporations not to be favored	7	12	41
Not relieved from liability by lease or alienation of franchise	8	12	41
State not to subscribe for stock of	9	12	41
Subject to right of eminent domain	10	12	41
Not to issue anything but lawful money of United States.....	11	12	42
Liabilities of stockholders in banking, insurance and joint stock companies.....	11	12	42
Liabilities of officers of banks for receiving deposits after knowledge of insolvency	12	12	42

	Sec.	Art.	Page,
CORPORATIONS—Continued.			
Right to organize and construct telegraph and telephone lines	19	12	43
Combinations affecting the price, production or transportation of any commodity, prohibited.....	22	12	44
(See Railroads.)			
CORRUPTING LEGISLATORS—(See Bribery.)			
CORRUPTION IN OFFICE—Who may be removed for	9	4	29
CORRUPTION OF BLOOD—Conviction not to work.....	15	1	16
COUNTY:			
Assignment of judges of superior court	5	4	27
Existing to be legal subdivisions of state.....	1	11	37
Restrictions on formations of new.....	3	11	37
Majority of the voters necessary to reduce territory of.....	3	11	37
Debts to be apportioned on enlargement or division of.....	3	11	37
Not to apply to certain property or to affect creditors.....	3	11	37
Legislature to provide a system of government for.....	4	11	38
Organization under township.....	4	11	38
Not to be relieved of proportionate share of taxes.....	9	11	39
COUNTY, CITY OR TOWNSHIP:			
Power of, to contract debts.....	6	8	35
Limit of indebtedness.....	6	8	35
Assent of three-fifths of voters necessary	6	8	35
Assessment, how ascertained.....	6	8	35
Restriction as to purpose	6	8	35
May contract additional debts for water, etc.....	6	8	35
Not to give or loan its credit, except	7	8	35
Not to own stock or bonds of corporation.....	7	8	35
May enforce local police and sanitary regulations.....	11	11	40
To assess and collect taxes.....	12	11	40
Use of money by official, a felony.....	14	11	40
All moneys to be deposited with the treasurer.....	15	11	40
COUNTY CLERK:			
To be clerk of superior court.....	26	4	31
Legislature to provide for election of	5	11	38
To prescribe duties, fix term and compensation	5	11	38
To provide for strict accountability.....	5	11	38
COUNTY COMMISSIONERS:			
May fill vacancies in county, township, etc., offices (see County Officers)	6	11	38
Judge of supreme court may appoint.....	23	4	31
Authority and duties of.....	23	4	31
COUNTY LINES—Change of, by special acts prohibited	28	2	20
COUNTY OFFICERS:			
Time of election of	8	6	33
Election to be biennial.....	8	6	33
Legislature to provide for election of	5	11	38
Duties and term of office to be prescribed by law.....	5	11	38
Compensation to be regulated	5	11	38
Accountability for fees.....	5	11	38
Not to hold office for more than two terms in succession.....	7	11	38
Legislature to fix salaries of.....	8	11	38
Who may or may not be salaried officers.....	8	11	38
Guilty of felony for using money of county	14	11	40
COUNTY SEAT:			
Change of, by special act prohibited.....	28	2	20
Proceedings for removal of	2	11	37
Three-fifths vote required.....	2	11	37
Proposition can be made but once in four years	2	11	37
COURTS:			
Of record, what.....	11	4	29
Inferior, legislature may prescribe jurisdiction of.....	12	4	30
CREDIT:			
<i>Of state not to be given or loaned</i>	5	8	35
<i>State shall not subscribe to stock of corporation or loan its credit....</i>	9	12	41

INDEX.

67

CREDIT—Continued.

	Sec.	Art.	Page.
Of county, city, etc., not to be given or loaned	7	8	35
CRIME —Persons charged with, to be bailable.....	20	1	16

CRIMINAL ACTIONS:

No person to be compelled to testify against himself.....	9	1	15
Rights of accused in.....	22	1	17
Limitation of, by special acts prohibited.....	28	2	20
Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court	6	4	28
Upon change in form of government to be prosecuted in name of state	5	27	52
CRUEL PUNISHMENT not to be inflicted.....	14	1	16

D

DAMAGE not to be done for public use without compensation.....	16	1	16
DEBATE —Member of legislature not to be liable for words spoken in.....	17	2	20

DEBTS:

Imprisonment for, not allowed	17	1	16
Absconding debtors excepted (see State Indebtedness, Territory)	17	1	16

DECISION—(See Judicial Decision.)

DEEDS cannot be made valid by special legislation..	28	2	20
--	----	---	----

DEFECTS AND OMISSIONS IN LAWS to be reported to governor, how.....	25	4	31
---	----	---	----

DEFENSE:

Rights of accused	22	1	17
In removal from office	9	4	29

DEFICITS OR FAILURE IN THE REVENUE —State may contract debts to meet	1	8	34
---	---	---	----

DELINQUENCY IN OFFICE—(See Corruption in Office.)

DISABILITY —Property of person under, cannot be affected by special legislation	28	2	20
--	----	---	----

DISAPPROVAL OF BILLS by governor	12	3	24
---	----	---	----

DISCRIMINATION:

In charges for transportation by any common carrier prohibited....	15	12	42
In the receipt and transmission of messages by telegraph or telephone companies prohibited.....	19	12	43
By a railroad in favor of any telegraph company prohibited	19	12	43
By a railroad in favor of any express company prohibited.....	21	12	43

DISORDERLY BEHAVIOR —Each house may punish for.....	9	2	19
--	---	---	----

DISQUALIFICATION:

On conviction for bribery of voters.....	30	2	21
On conviction for impeachment	2	5	32

DISTRICT COURT:

Records in actions to be transferred to superior court, when	8	27	53
To continue until superseded by superior court.....	8	27	53
Duty of clerk in transmitting papers to county clerk.....	8	27	53
Legislature to provide for election of	5	11	38

DISTRICT OFFICERS:

To prescribe duties, fix term and compensation, etc.....	5	11	38
Time of election of.....	8	6	33
Of territory to hold office until, when	14	27	54
Official bonds to be unaffected by the change in form of government	14	27	54
Elections to be biennial.....	8	6	33

DIVORCE —Legislature not to grant	24	2	20
--	----	---	----

DRUGS AND MEDICINES —Legislature to regulate sale of	2	20	47
---	---	----	----

DUCE PROCESS OF LAW —No person to be deprived of life, liberty, etc., without	3	1	15
--	---	---	----

E

EARNINGS —Combinations by common carriers to share, prohibited	14	12	42
---	----	----	----

EDUCATION:			
-------------------	--	--	--

State to make provision for.....			25
----------------------------------	--	--	----

<i>No distinction on account of race, color or sex.....</i>			35
---	--	--	----

	Sec.	Art.	Page.
ELECTIONS:			
To be free, equal and undisturbed.....	19	1	16
Of representatives, when.....	4	2	18
Of representatives after first election	5	2	18
To be biennial.....	5	2	18
Of senators.....	6	2	18
Each house to be judge of election of its own members	8	2	19
By legislature to be viva voce	27	2	20
For state officers, how declared.....	4	3	23
Legislature to decide contested elections for certain state officers....	4	3	23
Of judges of supreme court	3	4	26
Who may vote at.....	1	6	32
Who not entitled.....	1	6	32
Idiots, insane persons, etc., excluded from elective franchise	3	6	32
To be by ballot	6	6	32
Time of, for county, district and state officers	8	6	35
To be biennial	8	6	35
Of officers under this constitution, time of.....	7	27	52
Of officers not provided for in constitution	11	27	54
Evidence, how taken, in contested (first) elections for judge of superior court.....	11	27	54
First election of representative to congress.....	13	27	54
First election to be according to laws of territory	15	27	54
ELECTIVE FRANCHISE:			
Not to be denied at school election on account of sex.....	2	6	32
Who excluded from	3	6	32
ELECTOR:			
Who qualified	1	6	32
Who not qualified	1	6	32
Idiots, insane persons, criminals, etc., not qualified	3	6	32
Residence not lost in certain cases	4	6	32
Privileged from arrest when.....	5	6	32
Exempt from military duty, when	5	6	32
Legislature to secure secrecy in voting.....	6	6	32
EMINENT DOMAIN:			
Compensation to be first secured in taking property for public use...	16	1	16
Or in damaging same.....	16	1	16
Corporations must make compensation for right-of-way.....	16	1	16
Corporations and franchises subject to.....	10	12	41
Right extended to telegraph and telephone companies.....	19	12	43
EMOLUMENTS, PRIVILEGES AND POWERS—Hereditary, prohibited	28	1	17
EMPLOYMENTS DANGEROUS TO LIFE, ETC.—Legislature to protect persons in.....	35	2	22
ENACTING CLAUSE of statutes.....	18	2	20
ENUMERATION OF INHABITANTS:			
Legislature to provide for, when	2	2	18
Who to be excepted in	3	2	18
To be basis of new appointment of senators, etc.....	3	2	18
ENUMERATION OF RIGHTS—Not to deny others reserved	30	1	17
EQUITY:			
Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court	6	4	28
EVIDENCE:			
No person to be compelled to give, against himself.....	9	1	15
Necessary to convict for treason	27	1	17
How to be taken in case of contested (first) election of superior court judge	12	27	54
EXCLUSIVE LEGISLATION:			
Of congress over certain lands of U. S.....	25	50	
Subject to conditions.....	25	50	
Over Indian lands	26	50	
EXCLUSIVE PRIVILEGES:			
Prohibited.....	12	1	16
To be invalid when.....	2	12	40

INDEX.

69

	Sec.	Art.	Page.
EXCURSION AND COMMUTATION TICKETS may be at special rates.....	15	12	42
EXECUTIVE DEPARTMENT:			
Shall consist of what.....	1	3	23
Secretary of state to keep records of.....	17	3	25
EXECUTIVE OFFICERS —How and when chosen.....	1	3	23
EXECUTIVE POWER —Supreme, vested in governor	2	3	23
EXEMPTIONS:			
From military duty, of certain persons	6	10	37
Of homestead from forced sale	1	19	47
EXPENSES:			
State may contract debt to meet	1	8	34
Of constitutional convention to be provided for	19	27	56
EX POST FACTO LAW prohibited	23	1	17
EXPRESS COMPANIES to be allowed transportation, etc., on railroads on equal terms.....	21	12	43
EXPULSION OF MEMBERS:			
Power of each house	9	2	19
Restriction on power	9	2	19
EXTENSION OF TIME FOR COLLECTION OF TAXES by special act prohibited.....	28	2	20
EXTINGUISHMENT OF DEBT by special act prohibited.....	28	2	20
EXTRA COMPENSATION TO PUBLIC OFFICERS prohibited	25	2	20
EXTRA SESSIONS OF LEGISLATURE —When convened	7	3	23
F			
FACTORIES —Legislature to protect employees in	25	2	35
FARMS AND FREIGHTS —(See Railroads.)			
FEDERAL OFFICERS —Not eligible to legislature	14	2	19
FEES:			
Prohibited to justice of peace	10	4	29
Prohibited to judicial officers, except	13	4	30
FELONY for public officer to use or make profit out of public money.....	14	11	40
FERRIES cannot be authorized by special legislation.....	28	2	17
FICTITIOUS ISSUE OF STOCK OR INDEBTEDNESS to be void	6	12	41
FINES:			
Excessive, not to be imposed	14	1	16
Not to be remitted by special act.....	28	2	20
Governor to have power to remit	11	3	24
Governor to report to legislature names and amounts of fines remitted	11	3	24
With reasons for remitting.....	11	3	24
Accrued to territory to inure to state.....	3	27	52
FISCAL STATEMENT to be published annually	7	7	34
FORCIBLE ENTRY AND DETAINER:			
Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court.....	6	4	28
FOREIGN CORPORATIONS not to be favored.....	7	12	41
FORFEITURE:			
Of estate, conviction not to work.....	15	1	16
Cannot be remitted by special legislation.....	28	2	20
Governor to have power to remit	11	3	24
And must report to the legislature.....	11	3	24
Legislature not to remit forfeiture of franchise or charter.....	3	12	41
Of franchise for violation of provision against combinations.....	22	12	44
Accrued to territory to inure to state	3	27	52
FOOTS, MAGAZINES, ETC. —Congress to have exclusive control of	25	50	
FRANCHISE:			
Granting of, irrevocably prohibited	8	1	15
State not to surrender power to tax.....	4	7	38
Invalid, because not organized	2	13	40
Not to be extended.....	2	12	40
Legislature not to remit forfeiture of	3	12	

	Sec.	Art.	Page.
FRANCHISE—Continued.			
Corporation not to be relieved from liability by alienation or lease of	8	12	41
Subject to right of eminent domain	10	12	41
May be forfeited.....	22	12	44
FREEDOM OF SPEECH AND OF PRESS to be preserved.....	5	1	15
FREEDOM OF CONSCIENCE guaranteed.....	11	1	15
FREIGHT RATES:			
To be regulated by the legislature.....	18	12	43
Abuse and extortion to be prevented	18	12	43
FUNDAMENTAL PRINCIPLES —Frequent recurrence to, essential	32	1	17,
G			
GOVERNMENT:			
Source of just powers of	1	1	15
Purposes of.....	1	1	15
GOVERNOR:			
To issue writs for elections; fill vacancies in legislature	15	2	19
When and by whom elected.....	1	3	23
Supreme executive power vested in	2	3	23
Term of office.....	2	3	23
May require written information from officers.....	5	3	23
To see that laws are executed.....	5	3	23
To communicate at every session to legislature.....	6	3	23
To convene legislature, when	7	3	23
To be commander in chief of military, except	8	3	23
Pardoning power vested in	9	3	24
Under restrictions	9	3	24
Who to act, in case of removal, etc.....	10	3	24
To remit fines and forfeitures	11	3	24
To report to legislature each case of pardon, reprieve, etc.....	11	3	24
With reason for granting the same.....	11	3	24
Also names of persons in whose favor fines and forfeitures have been remitted	11	3	24
With reason for the remission.....	11	3	24
To approve all laws	12	2	24
May return bill with objections.....	12	3	24
May veto one or more items.....	12	3	24
To fill vacancy in office.....	13	3	25
Salary of.....	14	3	25
To sign commissions.....	15	3	25
Must keep records of his office, where.....	24	3	26
Must reside, where.....	24	3	26
To fill vacancy in judges of supreme court	3	4	26
To fill vacancy in judges of superior court	5	4	27
May extend leave of absence of judicial officer	8	4	29
Liable to impeachment	2	5	32
May call out militia to execute laws.....	2	10	37
To appoint regents, trustees and commissioners of state institu- tions	1	13	44
GRAND JURY not to be drawn or summoned unless superior court so orders.....	26	1	17
GRANTED LANDS —(See Lands, Public Lands.)			
H			
HABEAS CORPUS:			
Privilege of writ not to be suspended, except.....	13	1	16
Original and appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court	6	4	28
Each judge of supreme court may issue writs of	4	4	27
Writs returnable before whom	4	4	27
HARBOURS:			
Commission to be established to locate, lines in.....	1	15	45
Restrictions on state in selling land or rights in.....	1	15	45
Certain area to be reserved for landing, etc.....	1	15	45

INDEX.

71

	Sec.	Art.	Page.
HELE AT LAW not to be determined by special legislation.....	28	2	20
HIGH SCHOOLS may be established by legislature	2	9	36
HIGHWAYS:			
Private and special legislation prohibited	28	2	20
But state and military roads excepted.....	28	2	20
HOME not to be invaded without authority of law.....	7	1	15
HOMESTEAD —Exemption from forced sale.....	1	19	47
HOUSE OF REPRESENTATIVES:			
Legislative powers vested in	1	2	17
Number of members.....	2	2	18
To be reapportioned after each census	3	2	18
Members, when and how chosen.....	4	2	18
Shall be elected biennially after 1890	5	2	18
To have sole power of impeachment.....	1	5	31
Concurrence of majority necessary to impeach	1	5	31
HYPOTHECATION BY MINOR —Special legislation prohibited.....	28	2	20
 I			
IDIOTS excluded from elective franchise	3	6	32
IMMUNITIES:			
From being twice put in jeopardy	9	1	15
From loss or damage to property	16	1	16
From imprisonment for debt	17	1	16
Soldiers not to be quartered in houses	31	1	17
Of members of legislature from arrest	16	2	20
Of electors from arrest on election day	5	6	32
Of militia from arrest at musters and election of officers.....	5	10	37
IMPEACHMENT:			
House of representatives sole power of.....	1	5	31
Trial by senate.....	1	5	31
Chief justice presides when	1	5	31
Who liable to.....	2	5	32
Judgment to extend only to removal from office and disqualification	2	5	32
Party liable to prosecution at law	2	5	32
IMPOSTS:			
Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court	6	4	28
IMPRISONMENT for debt not allowed, except.....	17	1	16
INCOMPETENCY IN OFFICE:			
Who may be removed for.....	9	4	29
Three-fourths of each house to concur	9	4	29
Rights of the accused	9	4	29
INDEBTEDNESS OF CORPORATIONS:			
Cannot have relief by special acts.....	28	2	20
Liability of stockholders for.....	4	12	41
Stockholders of banking and insurance companies liable, etc.....	11	12	42
Fictitious increase of, to be void	6	12	41
No lease or alienation of franchise shall relieve corporation from (See County, City and Township.)	8	12	41
INDIAN LANDS:			
Subject to jurisdiction of U. S.	2	26	51
Taxation of.....	2	26	51
Exemption of.....	2	26	51
INDIANS not taxed to be excluded from enumeration of inhabitants.....	3	2	18
INDICTMENT —Offenses may be prosecuted by	25	1	17
INDIVIDUAL RIGHTS —Government to protect and maintain.....	1	1	15
INDIVIDUAL SECURITY —Private affairs not to be distributed	7	1	15
INFERIOR COURTS:			
Legislature to provide for	1	4	26
Appeal lies to superior court.....	6	4	28
Legislature to prescribe jurisdiction and power.....	12	4	30

INDEX.

	Sec.	Art.	Page.
INFORMATION —Offenses may be prosecuted by.....	25	1	17
INJUNCTION may be issued and served, when.....	6	4	28
INSANE PERSONS excluded from elective franchise.....	3	6	32
INSOLVENCY:			
Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court.....	6	4	28
INSTRUMENTS cannot be validated by special acts.....	28	2	20
INSURANCE COMPANIES —Liabilities of stockholders.....	11	12	42
INTEREST:			
Not to be regulated by special acts.....	28	2	20
Private interest in bill to be disclosed by legislator.....	30	2	21
On certain state debts must be provided for	3	8	34
INVASION:			
Suspension of habeas corpus	13	1	16
State may contract debts to repel.....	2	8	34
IRRIGATION —Use of water of state for, deemed a public use.....	1	12	40
J.			
JEOPARDY —No person to be twice put in	9	1	15
JOINT STOCK COMPANIES:			
Included in term corporations.....	5	12	41
Liability of stockholders in.....	11	12	42
JOURNAL:			
Each house to keep	11	2	19
Yeas and nays to be entered on, when.....	21	2	20
Yeas and nays must be entered on, in passage of bill	22	2	20
Yeas and nays must be entered on, in passage of emergency clause.....	31	2	22
Yeas and nays must be called and entered on, in authorizing introduction of bill later than 10 days before close of session.....	36	2	22
Votes on election to be entered on.....	27	2	20
Votes removal of judges to be entered on	9	4	29
Ayes and noes to be entered upon nomination of officers for state institutions.....	1	13	44
Ayes and noes on proposed amendments to constitution to be entered	1	23	49
JUDGE PRO TEMPORE —Provision for in Superior court.....	7	4	29
JUDGES:			
May be removed for incompetency, etc	9	4	29
Rights of accused	9	4	29
Not to charge juries as to matters of fact	16	4	30
But delare the law	16	4	30
Not to practice law.....	19	4	30
JUDGES OF SUPERIOR COURT:			
Election of.....	5	4	27
Each judge to be invested with powers of all.....	5	4	27
Term of office.....	5	4	27
To begin when	5	4	27
May sit in any county	7	4	29
Judge pro tempore	7	4	29
Salaries of.....	13	4	30
Salaries of, when payable.....	14	4	30
To any other office.....	15	4	30
Ineligible unless admitted to practice in Washington	17	4	30
Not to practice law	19	4	30
To decide cause within 90 days from final submission of same.....	20	4	30
May appoint court commissioners.....	23	4	31
May establish rules for court.....	24	4	31
To report in writing to judges of supreme court defects and omissions in the laws	25	4	31
To take oath in office	28	4	31
JUDGES OF SUPREME COURT:			
Election of.....	3	4	26
Classification by lot.....	3	4	26

INDEX.

73

JUDGES OF SUPREME COURT—Continued.	Sec.	Art.	Page.
Chief justice, who to be.....	3	4	26
Term of office.....	3	4	26
May issue writs	4	4	27
Salaries of	13	4	30
Salaries of, when payable.....	14	4	30
Ineligible unless admitted to practice in Washington.....	17	4	30
To appoint a reporter	18	4	30
Not to practice law.....	19	4	30
To appoint a clerk	22	4	31
To report to governor defects and omissions in law	25	4	31
To take oath of office.....	28	4	31
JUDGMENT:			
Of one judge of superior court to be of same force as to all.....	5	4	27
Of superior court to be given within ninety days from final submission	20	4	31
Extent of, on impeachment.....	2	5	32
JUDICIAL DECISIONS:			
All decisions to be in writing, and grounds stated.....	2	4	26
Concurrence of majority of supreme court judges necessary	2	4	26
To be published	21	4	31
May be published by any one	21	4	31
JUDICIAL OFFICERS:			
Absence, when a forfeiture of office	8	4	29
Not to receive any fees	18	4	30
To take oath of office.....	28	4	31
Liable to impeachment, except.....	2	5	32
JUDICIAL POWER is vested where	1	4	26
JUDICIAL QUESTION —Whether a use is a public use.....	16	1	16
JURISDICTION:			
Of supreme court.....	4	4	27
Of superior court.....	6	4	28
Of justice of the peace to be prescribed by legislature.....	10	4	29
And not to trench upon jurisdiction of courts of record	10	4	29
JUROR:			
Not incompetent in consequence of religious opinion.....	11	1	15
Number necessary for verdict	21	1	16
JURY:			
To ascertain compensation for right-of-way.....	16	1	16
Number in.....	21	1	16
Number necessary for verdict	21	1	16
Waiver of.....	21	1	16
JUSTICE to be administered openly and without unnecessary delay	10	1	15
JUSTICE COURT —Appeal lies to superior court.....	6	4	28
JUSTICE OF THE PEACE:			
Invested with judicial power	1	4	26
Legislature to determine number	10	4	29
Legislature to prescribe duties.....	10	4	29
Salary of, provided by law.....	10	4	29
Fees prohibited	10	4	29
May be made police justice	10	4	29
L			
LANDS:			
Ownership of, by aliens, prohibited	33	2	22
Of state, under grant from U. S., restrictions of sale of	1	16	46
Lands of state for educational purposes, how to be sold	2	16	46
Sale of school lands by county commissioners may be confirmed	2	16	46
Restrictions on sale of, for educational purposes.....	3	16	46
Timber and stone may be taken off state land, how.....	3	16	46
Limit of granted land to be sold in one parcel	4	16	46
Land of state in city to be platted before sale	4	16	46
Limit of sale	4	16	46

	Sec.	Art.	Page.
LANDS—Continued.			
Of U. S. not to be taxed.....	2	26	51
Of non-residents, how taxed.....	2	26	51
LAW OF LAND—U. S. constitution is the.....	2	1	15
LAWS:			
Bills of attainder and ex post facto, prohibited.....	23	1	17
Enacting clause	18	2	20
No, except by bill	18	2	20
When to take effect	31	2	22
Must be presented to the governor for approval	12	3	24
How passed over governor's veto.....	12	3	24
How to become a, without approval.....	12	3	24
Defects and omissions in, to be reported to governor, how.....	25	4	31
Object of tax must be stated in.....	5	7	34
State debt for some single work must provide for payment of interest and principal	3	8	34
Necessary to have a majority of votes.....	3	8	34
To be published	3	8	34
Relating to corporations may be altered, amended or repealed	1	12	40
Of territory to remain in force until altered or repealed	2	27	51
Proviso as to tide lands.....	2	27	51
LEASE:			
Of franchise not to relieve corporations from liability.....	8	12	41
Of rights to build and maintain wharves, powers of legislature.....	2	15	45
Limit of term.....	2	15	45
LEGISLATURE:			
No power to grant irrevocable privilege or franchise.....	8	1	15
To make provisions for jury	21	1	16
To consist of	1	2	17
Number of members	2	2	18
To provide for enumeration of inhabitants, when	3	2	18
To re-apportion members of each house after census.....	3	2	18
Who eligible to.....	7	2	18
Each house to judge of election of its members.....	8	2	19
Majority to constitute a quorum	8	2	19
Each house to determine rules of proceedings.....	9	2	19
And to punish for contempt	9	2	19
Two-thirds required to expel a member.....	9	2	19
Each house to elect its own officers.....	10	2	19
Each house to keep and publish a journal.....	11	2	19
Sessions to be open	11	2	19
Restrictions on power to adjourn.....	11	2	19
Sessions to meet, when	12	2	19
Sessions to be biennial.....	12	2	19
Members, from what civil offices excluded	13	2	19
Officers not eligible to.....	14	2	19
Acceptance of office under U. S. to vacate seat in.....	14	2	19
Vacancies, how filled	15	2	19
Members privileged from arrest, except	16	2	20
Members not subject to civil process, when.....	16	2	20
Members not liable for words spoken in debate	17	2	20
Compensation and mileage to members.....	23	2	20
Not to authorize any lotteries or grant any divorce	24	2	20
Extra compensation for past services prohibited.....	25	2	20
To direct how and where suits against state be brought.....	26	2	20
Vote on elections to be viva voce	27	2	20
Private or special laws prohibited	28	2	20
To provide for convict labor	29	2	21
Bribery of members, how punished	30	2	21
Members to declare private interests in bill and not to vote.....	30	2	21
Presiding officer of each house to sign bill	32	2	22
To establish a bureau of statistics, etc.....	34	2	22
To pass laws for protection of employees in mines and factories.....	35	2	22
To pass laws prohibiting the use of passes.....	39	2	22

INDEX.

75

LEGISLATURE—Continued.

	Sec.	Art.	Page.
To decide contested elections of state officers.....	4	3	28
May be specially convened by governor	7	3	28
Secretary of state to keep records of.....	17	3	25
May abolish certain offices.....	25	3	26
May increase number of judges of supreme court.....	2	4	26
To provide for separate departments	2	4	26
May remove, judge, attorney general, etc., for incompetency, etc.....	9	4	29
Three-fourths of the members of each house to concur.....	9	4	29
To determine number of justices of the peace	10	4	29
And to prescribe powers and duties	10	4	29
May make any courts, courts of record, except	11	4	29
May prescribe powers of inferior courts.....	12	4	30
May increase salaries of judges	14	4	30
To provide for publication of opinions of judges of supreme court....	21	4	31
May provide for election of clerk of supreme court.....	22	4	31
May provide that there be no denial of franchise at school elections on account of sex.....	2	6	32
To provide for securing absolute secrecy to electors in voting.....	6	6	32
To enact a registration law	7	6	33
To require compliance with law as a prerequisite to vote	7	6	33
But not compulsory, when.....	7	6	33
To provide for annual tax for expenses of each year.....	1	7	33
To provide for tax to pay state debt.....	1	7	33
To provide uniform and equal rate for taxation.....	2	7	33
To insure just valuation of property	2	7	33
To provide general law for taxation of corporate property.....	3	7	33
To provide for account of receipts and expenditures	7	7	34
To provide for levying tax to meet deficiencies and expenses	8	7	34
May vest municipal corporations with power to make local im- provements.....	9	7	34
To provide system of public schools.....	2	9	36
May provide for enlarging of common school fund.....	3	9	36
To provide for the organization and discipline of militia	2	10	37
To provide for maintenance of soldiers' home	3	10	37
To provide for protection and safe keeping of the public arms	4	10	37
To establish system of county government.....	4	11	38
To provide by general laws for township organization	4	11	38
To provide for election of county officers	5	11	38
And township, precinct and district officers.....	5	11	38
To prescribe their duties and fix their term of office.....	5	11	38
To regulate their compensation.....	5	11	38
To provide for their strict accountability.....	5	11	38
To fix salaries of all county officers and certain constables.....	5	11	38
To provide, by general laws, for incorporation of cities	10	11	39
May take property and franchises of corporations for public use	10	12	41
To establish maximum rates for freight and passengers.....	18	12	43
To prevent discrimination in rates.....	18	12	43
May establish a railroad and transportation commission.....	18	12	43
To prevent grants of free passes to public officers.....	20	12	43
To provide penalties for punishment of combinations affecting the price, production and transportation of commodities.....	22	12	44
May declare forfeiture of property and franchise	23	12	44
To provide for choice of location of seat of government.....	1	14	44
To appoint a commission to establish harbor lines.....	1	15	44
To provide for the leasing of right to build and maintain wharves....	2	15	44
Restrictions on power.....	2	15	44
To confirm sale of school and university lands made by county com- missioners.....	3	16	46
To protect homesteads from forced sale.....	1	19	47
To establish state board of health and bureau of vital statistics.....	1	20	47
To regulate practice of medicine and surgery.....	2	20	47
To regulate sale of drugs and medicine.....	2	20	47
May agree upon a convention to revise or amend constitution.....	2	22	48

INDEX.

	Sec.	Art.	Page
LEGISLATURE—Continued.			
To provide for the election and fix term of officers not provided for in constitution	11	27	54
To divide state into congressional districts, when	13	27	54
To appropriate for expenses of constitutional conventions.....	19	27	55
LIABILITIES cannot be extinguished by special legislation	28	2	20
LIBERTY —Not to be deprived of without due process of law	3	1	15
LIEUTENANT-GOVERNOR:			
When absent who is to preside.....	10	2	19
To have deciding vote, when.....	10	2	19
When and by whom elected.....	1	3	23
Term of office.....	3	3	23
When to act as governor	10	3	24
To be president of the senate.....	16	3	25
Salary of.....	16	3	25
Office may be abolished by legislature.....	25	3	26
LIFE, LIBERTY AND PROPERTY —Not to be deprived of, without due pro- cess of law	3	1	15
LIMITATION OF ACTION —Special legislation prohibited	28	2	20
LOCAL OFFICERS eligible to legislature, when.....	14	2	19
LOTTERIES prohibited.....	24	2	20
M			
MAJORITY:			
Of each house necessary to constitute a quorum.....	8	2	19
Necessary to pass bill.....	22	2	20
Special act cannot declare person of age.....	28	2	20
Of judges of supreme court necessary to form quorum and pro- nounce a decision.....	2	4	26
Necessary for impeachment	1	5	31
MALFEASANCE IN OFFICE —(See Corruption in Office.)			
MANDAMUS:			
Original and appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court	6	4	28
MANDATORY —Provisions of this constitution.....	29	1	17
MANUFACTURING PURPOSES —Uses of waters of state for, deemed a pub- lic use.....	1	21	47
MEDICINE:			
Legislature to regulate sale of.....	2	20	47
Legislature to regulate practice of	2	20	47
MILEAGE of legislators.....	23	2	20
MILITARY to be subordinate to civil power	18	1	16
MILITIA:			
Officer eligible to legislature, when	14	2	19
Governor to be commander in chief.....	8	3	23
Who liable to military duty.....	1	10	37
Who exempt	1	10	37
Persons having religious scruples exempt, when.....	6	10	37
Organization and discipline of	2	10	37
Privileged from arrest, when.....	5	10	37
Persons having conscientious scruples against bearing arms to pay for exemption	6	10	37
MINES —Legislature to pass laws to protect employees in	35	2	22
MINING PURPOSES —Uses of waters of state for, deemed a public use	1	21	47
MINORS —Sale of property by special acts prohibited.....	28	2	20
MONEY:			
How and when paid out of the treasury.....	4	8	35
Using or making profit by official a felony.....	14	11	40
In hands of municipal officers to be paid into the treasury.....	15	11	40
Corporation not to issue anything but lawful money of U. S.....	11	12	42
MONOPOLIES:			
<i>Prohibited</i>	22	12	44
<i>Adequate penalties to be provided</i>	22	12	44
<i>Forfeiture of franchise and property may be declared</i>	22	12	44

INDEX.

77

MUNICIPAL CORPORATIONS:

	Sec.	Art.	Page.
Power to make local improvements by special taxation.....	9	7	34
Power to assess and levy taxes.....	9	7	34
Legislature may confer power to levy taxes for certain purposes.....	12	11	40
Power to contract debts.....	6	8	35
Limit of power.....	6	8	35
Not to give or loan its credit.....	7	8	35
May organize under general laws.....	10	11	39
And be subject to such laws.....	10	11	39
Private property not to be taken for debt of.....	13	11	40
Use of money by an official a felony.....	14	11	40
Money to be deposited with treasurer.....	15	11	40
Power to extend streets over tide lands.....	3	15	45

MUNICIPAL FINE:

Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court.....	6	4	28

N

NAMES —Change of, by special legislation prohibited.....	28	2	20
NATURALIZATION —Power of, vested in superior court.....	6	4	28

NAVIGABLE WATERS:

Legislature to establish a commission to locate harbor lines in.....	1	15	45
State asserts ownership of beds and shores of.....	1	17	47
NEW COUNTY —Restriction of formation of.....	3	11	37
NON-RESIDENTS —Taxation of lands of.....	2	26	51
NORMAL SCHOOLS may be established.....	2	9	36

NUISANCES:

Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court.....	6	4	28

O

OATHS to be such as may be most consistent with and binding upon the conscience.....	6	1	15
--	---	---	----

OATH OF OFFICE —Judicial officers to take.....	28	4	31
---	----	---	----

OBLIGATION of contracts not to be impaired.....	23	1	17
--	----	---	----

OFFENSES:

No person to be put twice in jeopardy for.....	9	1	15
Right of trial by jury.....	21	1	16
Right of party accused.....	22	1	17
To be prosecuted by information or indictment.....	25	1	17
Impeachment of public officers.....	2	5	32
Existing, to be prosecuted in name of state.....	5	27	52

OFFICE:

No religious qualification for.....	11	1	15
Disqualification of legislators for certain civil offices	13	2	19
Who ineligible for legislature.....	14	2	19
Acceptance of, under U. S. to vacate seat in legislature.....	14	2	19
But certain officers are exempt	14	2	19
Disqualification for bribery.....	30	2	21
Vacancy, when filled by governor	13	3	25
Legislature may abolish certain offices.....	25	3	26
Of judge of supreme and superior court open only to whom.....	17	4	30

OFFICERS:

Not to be allowed extra compensation	25	2	20
Of militia may be members of legislature.....	14	2	19
Local, may be members of legislature.....	14	2	19
Bribery of, how punished	30	2	21
Legislature may abolish certain offices.....	25	3	26
Liable to impeachment	2	5	32
Not liable to impeachment may be removed by law	3	5	32
Of militia elected or appointed, how.....	2	10	37
Of county, district, town, etc., how elected.....	5	11	38
Who may or may not be salaried.....	8	11	38
Guilty of felony, when	14	11	40
Not to accept passes	20	12	42

OFFICERS—Continued.	Sec. Art. Page.
Of state institutions to be appointed by governor with advice and consent of senate.....	1 13 44
Of territory and U. S. to hold office until superseded by state officers	6 27 52
Time of election under this constitution	7 27 52
Legislature to provide for election of officers not provided for by constitution.....	11 27 54
(See Term of Office, Salaries.)	
OFFICIAL ACTS cannot be made valid by special acts	28 2 20
OMISSIONS IN THE LAW to be reported to governor	25 4 31
OPINIONS OF SUPREME COURT:	
To be published	21 4 31
Free for publication by any person.....	21 4 31
OWNERSHIP OF LAND—Right of aliens	33 2 22
P	
PARDONING POWER:	
Vested in governor, subject to.....	9 3 24
Governor to report to legislature number of pardons granted.....	11 3 24
PASS:	
Use of by public officers prohibited.....	39 2 22
Grant of, by railroads to public officers and legislators. prohibited... PASSENGER TARIFF:	20 12 43
To be regulated by legislature.....	18 12 43
Abuses and extortions to be prevented.....	18 12 43
PENALTIES:	
Cannot be remitted by special legislation	28 2 20
Accrued to territory to inure to state.....	3 27 52
Incurred unaffected by change in form of government.....	5 27 52
PEOPLE:	
Political power inherent in	1 1 15
Rights retained by	30 1 17
Right of petition and of peaceable assemblage	4 1 15
Right to security.....	7 1 15
Public lands to be held by state in trust for.....	1 16 46
PERSONAL PROPERTY—Appellate jurisdiction of supreme court when amount is over \$200	4 4 27
PERSONS CONVICTED OF INFAMOUS CRIMES excluded from elective franchise	3 6 32
PETITION—Right of, not to be abridged.....	4 1 26
POLICE JUSTICE—Justice of the peace may be made.....	10 4 29
POLICE REGULATIONS—County, city, etc., may enforce.....	11 11 40
POLITICAL POWER inherent in people.....	1 1 15
POSTMASTER may be eligible to legislature when.....	14 2 19
POWERS OF GOVERNMENT:	
Legislative, where vested.....	1 2 17
Executive, where vested.....	1 3 23
Judicial, where vested	1 4 26
Pardoning power, where vested	9 3 24
PRECINCT OFFICERS:	
Legislature to provide for election of	5 11 38
To prescribe duties, etc.....	5 11 38
County commissioners to fill vacancies in office.....	6 11 38
Term of office of present officers.....	14 27 54
PRESIDENT OF SENATE:	
Who is.....	16 3 25
Temporary	10 2 19
PRESS—Liberty of, secured.....	5 1 15
PRIVATE LEGISLATION on certain matters prohibited	28 2 20
PRIVILEGE:	
Not to be granted irrevocably	8 1 15
<i>Of members of legislature from arrest</i>	16 2 20
<i>Of electors from arrest.....</i>	5 6 32
<i>Of militia from arrest.....</i>	5 10 31

INDEX.

79

	Sec. Art. Page.
PRIVILEGES AND IMMUNITIES - Equal, to all citizens and corporations (see Immunities).....	12 1 16
PROBATE COURT:	
Merger of, in superior court to take place, when... ..	10 27 53
Judge to perform duties until term of office expires	10 27 53
PROBATE MATTERS:	
Appellate jurisdiction in supreme court	4 4 27
Original jurisdiction in superior court	6 4 28
Appellate jurisdiction in superior court.....	10 27 53
PROCESS:	
Privileges of members of legislature from.....	16 2 20
Of superior court to extend to all parts of state	6 4 28
Style of	27 4 31
Of state court may be served on lands of U. S.....	25 50
Issued under authority of territory to be valid	1 27 51
PROCLAMATION OF PRESIDENT OF U. S.—Constitution to go into effect upon	16 27 55
PROHIBITION:	
Appellate and revisory jurisdiction of supreme court	4 4 27
Original jurisdiction of superior court	6 4 28
Writs may be issued and served when	6 4 28
Separate articles rejected.....	17 27 55
PROPERTY:	
Persons not to be deprived of, without due process of law	3 1 15
Not to be taken for private use, except.....	16 1 16
Not to be taken without just compensation.....	16 1 16
To be taxed in proportion to its value.....	1 7 33
Not to be taken to pay corporate debt.....	13 11 40
Of every kind belonging to the territory to vest in the state.....	4 27 52
PROSECUTING ATTORNEY:	
May be removed for incompetency or corruption in office.....	9 4 29
Right of accused.....	9 4 29
Legislature to provide for electing	5 11 38
(See County Officers.)	
PROSECUTIONS:	
To be conducted in name of state.....	5 27 52
Not affected by change in form of government	5 27 52
PUBLIC ADMINISTRATOR —May or may not be salaried officer.....	8 11 38
PUBLIC ARMS —Legislature to provide for protection and safe keeping of	4 10 37
PUBLIC DEBTS —Private property not to be taken for payment of.....	13 11 40
PUBLIC LANDS:	
Granted to state to be held in trust for people.....	1 16 46
Not to be disposed of except for full market value.....	1 16 46
State disclaims all title to unappropriated.....	2 26 51
Unappropriated to be subject to control of U. S.....	2 26 51
PUBLIC MONEY:	
Not to be appropriated for religious worship.....	11 1 15
Statement of receipts and expenditures to be published	7 7 34
PUBLIC SAFETY may require suspension of habeas corpus	13 1 16
PUBLIC SCHOOLS:	
Legislature to provide a system of	2 9 36
System to include what	2 9 36
To be free from sectarian control.....	4 9 36
Shall be free from sectarian control and open to all children	4 26 51
To be established and maintained by state.....	4 26 51
PUBLIC USE:	
Property not to be taken for, without compensation.....	16 1 16
A judicial question.....	16 1 16
PUNISHMENT —Cruel, not to be inflicted	14 1 16

Q

QUALIFICATION:	
Religious, not to be required for public office	11 1 16

	Sec.	Art.	Page.
QUALIFICATIONS—Continued.			
Of members of legislature.....	7	2	18
Each house to judge of.....	8	2	19
Of state officers.....	25	3	26
Of electors.....	1	6	32
QUORUM:			
Majority of each house shall constitute	8	2	19
Less may adjourn and compel attendance.....	8	2	19
Majority of judges of supreme court necessary to form.....	2	4	26
QUO Warranto:			
Jurisdiction of supreme court	4	4	27
Jurisdiction of superior court	6	4	28
R			
RACE, COLOR, SEX —No discrimination in education on account of	1	9	35
RAILROAD AND TRANSPORTATION COMMISSION —Legislature may establish	18	12	43
RAILROAD COMPANIES:			
Are common carriers.....	13	12	42
Subject to legislative control	13	12	42
May connect at state line with foreign railroads.....	13	12	42
May intersect, cross or connect with other railroads.....	13	12	42
And when of same gauge shall form proper connection for transfer of cars	13	12	42
Delay and discrimination prohibited.....	13	12	42
Not to combine to share earnings	14	12	42
Discrimination between places or persons prohibited	15	12	42
Charges to any station not to exceed those to a more distant station	15	12	42
Excursion and commutation tickets.....	15	12	42
Consolidation with competing line prohibited	16	12	43
Rolling stock to be personal property.....	17	12	43
Liable to taxation and execution and sale.....	17	12	43
Maximum rates for transportation of freight and passengers to be established by legislature	18	12	43
To allow telegraph and telephone companies to construct lines on their right-of-way	19	12	43
Discrimination in rates and privileges to any telegraph or telephone company prohibited	19	12	43
Prohibited from granting free passes or selling tickets at a discount to any public officer	20	12	43
To allow equal terms of transportation to all express companies.....	21	12	43
Discrimination on rates and privileges prohibited	21	12	43
(See Common Carriers.)			
REAL PROPERTY:			
Appellate jurisdiction of supreme court.....	6	4	28
Original jurisdiction of superior court	6	4	28
REBELLION OR INVASION —Suspension of habeas corpus.....	13	1	16
RECEIPTS AND EXPENDITURES —Account of, to be published.....	7	7	34
RECOGNIZANCES.			
To remain valid and unaffected upon change in form of government..	4	27	52
And to pass to state.....	4	27	52
RECORDS:			
Of state officers to be kept at seat of government.....	24	49	
Of district court to be transferred to superior court	8	27	53
REGISTRATION LAW:			
To be enacted by legislature.....	7	6	33
Elector not to vote until complied with.....	7	6	33
Not compulsory, when.....	7	6	33
RELEASE OF DEBT OR OBLIGATION —Special legislation prohibited.....	28	2	20
RELIGION:			
Freedom of conscience in matters of, guaranteed.....	11	1	15
No one to be molested on account of	11	1	15
No person to be incompetent as witness or juror on account of	11	1	15
Perfect toleration in, secured.....	1	28	30

INDEX.

81

	Sec.	Art.	Page.
RELIGIOUS WORSHIP:			
No public money to be appropriated for	11	1	15
Mode of not be interfered with	1	26	50
REMOVAL FROM OFFICE:			
Of governor, who to act.....	10	3	24
On impeachment	2	5	32
REPRESENTATIVES:			
Number of	2	2	18
To be reapportioned after each census	22	2	22
Members, when and how chosen.....	4	2	18
Members of, when and how chosen after first election.....	5	2	18
Term of office.....	4	2	18
Members elected after first election, terms of.....	5	2	18
Qualifications of.....	7	2	18
To be privileged from arrest.....	16	2	20
Compensation and mileage	28	2	20
Not to receive pass.....	39	2	23
Apportionment of	2	22	48
To congress of U. S. from state at large, when and how to be elected	13	27	54
Vote for such representative at first election to be according to territorial law	13	27	54
REPRIEVE—To be reported by governor to the legislature	11	3	27
REPORTER OF SUPREME COURT:			
To be appointed by judges	18	4	30
Salary to be prescribed by law	18	4	30
RESIDENCE:			
Of certain state officers, where	24	8	26
Absence of citizen in public service, or at certain institutions not to affect residence.....	4	6	32
REVENUE—State may contract debts to meet casual deficits or failures in	1	8	34
REVENUE AND TAXATION:			
Property to be taxed in proportion to its value	1	7	33
Uniform and equal rate of	3	7	33
Deduction of debts from credits allowed	2	7	33
Power to tax corporations never to be suspended or surrendered (see Tax, Taxation)	4	7	33
REVIEW, WRIT OF:			
Appellate and revisory jurisdiction of supreme court	4	4	27
Original jurisdiction of superior court	6	4	28
REVISION OF CONSTITUTION:			
Two-thirds of each house necessary to recommend.....	2	23	49
Vote for, how provided for.....	2	23	49
Convention to consist of.....	2	23	49
RIGHT OF PETITION not to be abridged.....	4	1	15
RIGHT-OF-WAY—Appropriation of.....	16	1	15
RIGHT TO ASSEMBLE not to be abridged.....	4	1	15
RIGHT TO BEAR ARMS:			
Not to be impaired.....	24	1	17
Meaning construed.....	24	1	17
RIGHTS:			
Enumerated, not to deny others retained	30	1	17
Existing, not to be affected by change in form of government.....	1	27	51
ROAD DISTRICT OFFICERS—County Commissioners to fill vacancies in office	6	11	38
ROLLING STOCK—(See Railroad Companies.)			
RULES:			
Of proceedings, each house to determine.....	9	2	19
Of superior court, judges to establish	24	4	31
S			
SAILORS to be excluded from enumeration of inhabitants.....	3	2	18
SALARIES:			
Of officers not to be changed during term.....	25	2	20

	Sec.	Art.	Page.
SALARIES—Continued.			
Of governor.....	14	2	19
Of other state officers.....	16-23	3	25
Of judges of supreme court	13	4	30
How payable to judges of supreme and superior courts.....	14	4	30
Not to be increased during term of office.....	13	4	30
To be paid by state.....	13	4	30
Of judges of the superior court.....	13	4	30
How and when payable	14	4	30
Half to be paid by state and half by counties	13	4	30
Or apportioned by counties.....	13	4	30
Of supreme court reporter to be prescribed by law.....	18	4	30
Of county, etc., officers, legislature to fix...	8	11	38
Of certain constables.....	8	11	38
SANITARY REGULATIONS—County, city and town may enforce.....	11	11	40
SCHOOL DISTRICT—Power to contract debts (see County, City and Town-ship)	6	8	35
SCHOOL ELECTIONS—Elective franchise not denied at, on account of sex..	2	6	32
SCHOOL FUNDS:			
Apportionment of, by special acts prohibited.....	28	2	20
To be applied exclusively to common schools.....	2	9	36
SCHOOL LANDS—(See Lands, Public.)			
SCHOOLS—(See Public Schools.)			
SEAL:			
Of state to be kept by secretary of state	18	3	25
Description of.....	18	47	
Of territorial courts, municipal and county officers to be seals under state	9	27	53
SEAT OF GOVERNMENT:			
Location of, how determined	1	14	44
Votes of majority of electors necessary to locate.....	1	14	44
If no choice at first election, provisions for determining location....	1	14	44
Temporary location to be where.....	1	14	44
Two-thirds of votes necessary to change location.....	2	14	45
Form of ballot for location of.....	18	27	55
SECRETY to be secured in voting	6	6	32
SECRETARY OF STATE:			
When and by whom elected.....	1	3	23
Term of office.....	3	3	23
To act as governor, when.....	10	3	24
To attest commissions.....	15	3	25
Duties of.....	17	3	25
Shall keep office at capital of state.....	24	3	26
Salary of.....	17	3	26
SECTARIAN CONTROL—Public schools to be forever free from	4	26	51
SECURITY:			
Of person in private affairs and at home.....	7	1	15
Of individual rights, what is essential to.....	32	1	17
SENATE:			
Legislative powers vested in	1	2	17
Number of members	2	2	18
To be re-apportioned after each census.....	3	2	18
To try all impeachments.....	1	5	31
SENATORIAL DISTRICTS:			
To be of convenient and contiguous territory.....	6	2	18
No representative district to be divided in formation of	6	2	18
To be numbered consecutively.....	6	2	18
Number of.....	1	22	47
Number and constitution of each district.....	1	22	47
SENATORS:			
Number of.....	2	2	18
When and how chosen.....	6	2	18
Term of office.....	6	2	18
Allotment of	6	2	18

	Sec.	Art.	Page.
SENATORS—Continued.			
Trials of impeachment by.....	1	5	31
To be under oath or affirmation.....	1	5	31
Two-thirds of, necessary for conviction.....	1	5	31
SEPARATE ARTICLES:			
Submitted to people for adoption or rejection.....	17	27	55
Woman suffrage [rejected].....	17	27	55
Prohibition [rejected].....	17	27	55
Form of ballot	18	27	55
SESSIONS:			
Of each house to be open.....	11	2	19
Of legislature to be biennial	12	2	19
But legislature may change time of meeting.....	12	2	19
Length of	12	2	19
Of supreme court to be at seat of government.....	3	4	26
Of superior court.....	5	4	27
SEWERS—Right of city to contract debts for.....	6	8	35
SEX:			
No denial of elective franchise at school elections on account of.....	2	6	32
No distinction in educational provisions on account of.....	1	9	35
SHERIFFS:			
Legislature to provide for election of.....	5	11	38
Prescribe duties, to fix term and salary.....	5	11	38
To provide for strict accountability of.....	5	11	38
SOLDIERS:			
Not to be quartered in time of peace	31	1	17
To be excluded from enumeration of inhabitants.....	3	2	18
SOLDIERS' HOME—Legislature to provide for maintenance of	3	10	37
SPECIAL LEGISLATION on certain matters, prohibited	28	2	20
SPECIAL PRIVILEGES—When void.....	2	12	40
 SPEECH—Liberty of, guaranteed	5	1	15
STATE:			
Suits against, how and when brought.....	26	2	20
Not to surrender power to tax corporations.....	4	7	33
Power of state to contract debts.....	1-3	8	34
Limit of power	1	8	34
Power to contract certain debts may be conferred at general election	3	8	34
Money to be applied, how.....	1	8	34
Not to loan its credit.....	5	8	35
To make provision for education of all children	1	9	35
Not to subscribe for stock of corporations'.....	9	12	41
To support state institutions.....	1	13	44
Restrictions in selling land or rights in harbors	1	15	45
To hold public lands in trust for people.....	1	16	46
May sell timber and stone off any state lands, how	3	16	46
Asserts ownership of bed and shores of navigable waters.....	1	17	47
Disclaims title in tide lands patented by U. S.....	2	17	47
Consents to exclusive legislation of U. S. over certain lands	1	25	50
On certain conditions	1	25	50
Compact with U. S.....		26	50
Disclaims all title to unappropriated public lands or Indian lands ..	1	25	50
Not precluded from taxing lands of Indians who hold by grant.....	2	26	51
Except land exempted by act of congress	2	26	51
Assumes debts and liabilities of territory.....	3	26	51
Agreed to establish free public schools.....	4	26	51
Debts, fines, etc., accrued to territory to pass to state.....	3	27	52
All property of territory to pass to.....	4	27	52
Criminal prosecutions to continue in name of.....	5	27	52
STATE BOARD OF HEALTH—Legislature to establish	1	20	47
STATE INDEBTEDNESS:			
Provisions for paying annual expenses and state debt.....	1	7	33
State may contract debts to meet casual deficits in revenue	1	8	34
Limits to aggregate debt		8	34

	Sec.	Art.	Page.
STATE INDEBTEDNESS—Continued.			
May be increased by state to repel invasion.....	2	8	34
Or for single work or object.....	3	8	34
Law to provide for such object to be submitted to people.....	3	8	34
Majority of votes necessary.....	3	8	34
And law to be published	3	8	34
State to assume losses to common school funds	5	9	36
STATE INSTITUTIONS AND PUBLIC BUILDINGS:			
To be supported by state.....	1	13	44
Officers to be appointed by governor	1	13	44
With advice and consent of senate	1	13	44
STATE LANDS—(See Lands, State Lands.)			
STATEMENT OF RECEIPTS AND EXPENDITURE to be published annually	7	7	34
STATE OFFICERS:			
Term of office.....	3	3	23
Election of, how declared.....	4	3	23
Contested elections of, to be decided by legislature.....	4	3	23
Term of, to begin when	4	3	23
To furnish information in writing to governor.....	5	3	23
State officers to keep records, where	24	3	26
Salaries of.....	14-23	3	25
Residence of certain.....	24	3	26
Qualification for office.....	25	3	26
Compensation not to be increased or diminished during term.....	25	3	26
Legislature may abolish offices of certain.....	25	3	26
Liable to impeachment	2	5	32
Time of election.....	8	6	38
STATE SCHOOL TAX revenue to be applied exclusively to common schools	2	9	36
STATUTES—Enacting clause of	18	2	20
STOCKHOLDERS:			
Liability of.....	4	12	41
As parties defendant in suit	4	12	41
Liability of, in banking, insurance and joint stock companies.....	11	12	42
STOCK OF CORPORATIONS:			
Not to be owned by county, city, etc.	7	8	35
Not to be issued except to bona fide subscribers.....	6	12	41
Or assignees	6	12	41
Not to be increased except by general law	6	12	41
Consent of whom necessary to increase	6	12	41
Notice of increase to be given	6	12	41
Fictitious increase to be void.....	6	12	41
STREETS AND ROADS:			
Private and special law prohibited	28	2	20
Exceptions.....	28	2	20
Municipal corporations may extend over tide lands, etc.....	3	15	45
STUDENT—Absence from state not to affect the right to vote.....	4	6	32
SUFFRAGE:			
Right of, shall be free, equal and undisturbed	19	1	16
Right to, who entitled.....	1	6	32
Who not entitled.....	1	6	32
SUITS AGAINST STATE—Legislature to direct how and when to be brought	26	2	20
SUPERINTENDENT OF PUBLIC INSTRUCTION:			
When and by whom elected.....	1	3	23
Term of office.....	3	3	23
Duties of.....	22	3	25
Shall keep records at capital of state.....	24	3	26
Salary of.....	22	3	25
SUPERIOR COURT:			
Judges of, to order grand jury to be drawn.....	26	1	17
Vested with judicial power	1	4	26
In each organized county	5	4	27
With at least one judge for each county.....	5	4	27
How elected	5	4	27

INDEX.

85

SUPERIOR COURT—Continued.

	Sec.	Art.	Page.
Assignment of counties to a judge.....	5	4	27
Number of sessions in each county.....	5	4	27
Business of, how to be distributed.....	5	4	27
Each judge to be invested with the powers of all	5	4	27
Governor to fill vacancies	5	4	24
Jurisdiction of.....	6	4	28
Power to naturalize.....	6	4	28
Appellate jurisdiction in justice and inferior courts.....	6	4	28
Always to be open except on non-judicial days.....	6	4	28
May issue writs	6	4	28
Process to extend to all parts of state.....	6	4	28
Judges may sit in any county.....	7	4	29
Judges pro tempore	7	4	29
To be a court of record.....	11	4	29
Judge to decide cause within ninety days after final submission.....	20	4	30
Judge may appoint court commissioners.....	23	4	31
Judges to establish rules for government of	24	4	31
Judges to report in writing defects, etc., in the laws to judges of supreme court.....	25	4	31
• Clerk of, to be county clerk.....	26	4	31
To assume jurisdiction of pending causes, and to take records, when	8	27	53
To assume jurisdiction of probate matters, when.....	10	27	53
To have appellate jurisdiction over probate court until it expires	10	27	53
Provision for contested [first] election of judges	12	27	54
SUPREME COURT:			
Invested with judicial power.....	1	4	26
To consist of five judges.....	2	4	26
Majority required to form a quorum.....	2	4	26
And to pronounce a decision.....	2	4	26
Always to be open except on non-judicial days	2	4	26
Decision in all cases to be in writing	2	4	26
Grounds to be stated.....	2	4	26
Number of judges may be increased.....	2	4	26
Legislature may provide separate departments	2	4	26
Judges, election of	3	4	26
First election, when.....	3	4	26
Classification by lot of judges first elected	3	4	26
Seats to be vacated every two years.....	3	4	26
Chief justice, who to be	3	4	26
Governor to fill vacancies in office.....	3	4	26
Sessions to be held, when.....	3	4	26
Jurisdiction of.....	4	4	27
Court of record	11	4	29
Judges to appoint reporter	18	4	30
Judges to appoint clerk of the court.....	22	4	31
Judges to report in writing defects and omissions in the laws to the governor.....	25	4	31
To assume jurisdiction of pending causes and to take court papers, when.....	8	27	53
SUPREME LAW—U. S. constitution.....	2	1	15
SURVEYORS may or may not be salaried officers.....	8	11	38

T**TAX:**

Assessment or collection of, by special act prohibited	28	2	20
Extending time for collection, by special act prohibited.....	28	2	20
Appellate jurisdiction of supreme court.....	4	4	27
Original jurisdiction of superior court	6	4	28
All property subject to.....	1	7	33
Annual tax for expenses of state	1	7	33
Annual tax to pay state debt	1	7	3
Not to be levied except in pursuance of law	5	7	34
Levied for state purposes to be paid into the treasury	6	7	34

INDEX.

	Sec.	Art.	Page.
TAX—Continued.			
To meet deficiency in expenditure legislature may levy	8	7	34
By municipal corporations to be uniform	9	7	34
TAXATION:			
Legislature to provide uniform and equal rates of.....	2	7	33
Deduction of debts from credit authorized.....	2	7	33
What property exempt from.....	2	7	33
Of corporate property by same methods as of individuals.....	3	7	33
Power to tax corporation not to be surrendered by state.....	4	7	33
Municipal corporation vested with power of.....	9	7	34
Lands of U. S. exempt from	2	26	51
Rolling stock of railroads subject to.....	17	12	43
Of lands of non-residents.....	2	26	51
Of certain Indian lands	2	26	51
Exemption of certain Indian lands from	2	26	51
State may tax lands of Indians held under patent or grant.....	2	26	5
Unless exempt by act of congress.....	2	26	51
TECHNICAL SCHOOLS may be established	2	9	36
TELEGRAPH AND TELEPHONE COMPANIES:			
Any one authorized to construct lines in this state.....	19	12	43
Delay and discrimination in receiving and sending messages prohibited.....	19	12	43
Declared to be common carrier	19	13	43
Subject to legislative control	19	12	43
Right to construct lines along railroad.....	19	12	43
No discrimination by railroads in rates or privilages.....	19	12	43
Right of eminent domain extended to	19	12	43
TERM OF OFFICE:			
Of representatives.....	4	2	18
Of senators	6	2	18
Of governor.....	2	3	23
Of lieutenant governor.....	3	3	23
Of other state officers	3	3	23
When to begin.....	4	3	23
Of judges of supreme court	3	4	26
Of judges of superior court.....	5	4	27
Of county, district, township and precinct officers	5	11	38
Of those in office at time state government is organized.....	14	27	54
Officers not provided for in constitution, legislature to regulate	11	27	54
Of all officers elected at first election under constitution, when to begin.....	16	27	55
TERRITORY:			
State assumes debts of.....	3	26	51
Process issued under authority of, to be valid	1	27	51
Change of form of government not to affect rights, actions, etc.	1	27	51
Laws of, to remain in force until when.....	2	27	51
Accrued debts, fines and penalties to inure to the state	3	27	52
All property of, to vest in state.....	4	27	52
Officers of, to hold office until superseded by state officers.....	6	7	52
Courts of, to continue until when.....	8	27	53
TESTIMONY:			
No person to be compelled to testify against himself.....	9	1	15
Weight of, not to be affected on account of religious belief.....	11	1	15
Necessary to conviction of treason	27	1	17
On prosecution for bribery.....	30	2	21
TIDE LANDS:			
Municipal corporations may extend streets over.....	3	15	45
State asserts ownership to.....	1	17	47
Vested rights may be asserted in course of state.....	1	17	47
State disclaims title to lands patented by U. S.....	2	17	47
Grants of, not validated.....	2	27	51
TIDE WATERS —(See Harbors.)			
TIMBER AND STONE may be sold off state lands, how.....	3	16	46

